

REPORT SUMMARY

REFERENCE NO - 23/00562/FULL		
APPLICATION PROPOSAL Erection of two storey side extension; external alterations		
ADDRESS Ashdown House 11 Hungershall Park Royal Tunbridge Wells Kent TN4 8NE		
RECOMMENDATION - Grant planning permission subject to conditions (see section 11 of the report for the full recommendation)		
SUMMARY OF REASONS FOR RECOMMENDATION. <ul style="list-style-type: none"> • The development would comply with adopted Local Plan policy relating to extensions to rural dwellings; • The development would not cause any harm to the significance of the Conservation Area or to any non-designated heritage assets; • The development would not be significantly harmful to the residential amenities of neighbouring dwellings; • The development would preserve the openness of the Green Belt; • Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition. 		
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL The following are considered to be material to the application: Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A Net increase in numbers of jobs: N/A Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A The following are not considered to be material to the application: Estimated annual council tax benefit for Borough: N/A Estimated annual council tax benefit total: N/A Estimated annual business rates benefits for Borough: N/A		
REASON FOR REFERRAL TO COMMITTEE Cllr Christopher Hall has called in the application in the event of a recommendation for approval on the following grounds:- <ul style="list-style-type: none"> - Impact on the Arcadian Area through infilling between houses; - Harm to the Conservation Area and the Green Belt; - Loss of residential amenity through overlooking and overbearing development. 		
WARD Broadwater	PARISH/TOWN COUNCIL N/A	APPLICANT Mr & Mrs Walker AGENT Jim Richardson, Richardson Architecture Ltd
DECISION DUE DATE EOT: 22/05/23	PUBLICITY EXPIRY DATE 14/04/23	OFFICER SITE VISIT DATE 20/07/22
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

23/00660/FULL	Installation of new electric gates and carport	Pending	
22/03028/TCA	Trees in Conservation Area Notification: OAK - Reduce by 20% and remove lowest lateral branch growing over Cabbage Stalk Lane	No Objection	28/11/22
22/02828/FULL	Erection of new side extension and associated works/external alterations	Refused	28/11/22
21/01798/TCA	Trees in a Conservation Area Notification: COMMON HAWTHORN (0095) - Sever/remove ivy, raise low canopy to 5.0m, remove major dead wood, remove suspended or broken branches; COMMON OAK (0097) - Sever/remove ivy; COMMON OAK (0098) - Sever/remove ivy, reduce crown(s) by 30%; COMMON OAK (0099) - Pollard to 5m; COMMON OAK (0100) - Sever/remove ivy; COMMON HORNBEAM (0101) - Fell; COMMON OAK (0102) - Reduce crown(s) by 25%, remove major dead wood; COMMON HORNBEAM (0103) - Fell; COMMON OAK (0104) - Remove major dead wood; COMMON HAZEL (0105) - Coppice to 0.5m stumps	No Objection	25/06/21
18/02153/FULL	Erection of a garage with attached log store	Granted	03/09/18
16/500940/TCA	Conservation area notification 1no. Holly - Reduce and shape	Granted	07/03/16
13/02861/TREECA	Trees in Conservation area notification - T1 -SYCAMORE - fell. T2 - BEECH - fell. T3 - MAPLE, T4 - LIME, T6 - SWEET CHESTNUT - remove epicormic growth. T5 - SWEET CHESTNUT - crown lift	Granted	05/11/13
06/01508/TREECA	Tree in Conservation Area Notification : CONIFER - Fell	No Objection	30/06/06
04/01697/FUL	Single storey side extension	Granted	19/08/04
04/00565/TREECA	Trees in Conservation Area Notification: (T1) OAK - Fell	No Objection	16/04/04
02/02426/TREECA	Trees in a Conservation Area Notification: HOLLY - Coppice; SWEET CHESTNUT - Raise crown to approx. 5m	No objection	21/11/02
80/00370/FUL	Use of four bedrooms for bed and breakfast accommodation	Withdrawn	14/07/80

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The property is a large detached dwellinghouse located within Hungershall Park. It is located outside of the Limits to Built Development, within the Tunbridge Wells Conservation Area, and within the Metropolitan Green Belt (MGB). It is also located within an Arcadian Area as designated by the Local Plan. The property sits within a large site with a drive area to the front and substantial garden area to the rear.

- 1.02 The application site is located to the south side of Hungershall Park, where the road bends around to the south. It is set back from the road and has a large garden area to the rear.
- 1.03 Due to the nature of the road bending around to the south, Eleven West and 12 Hungershall Park sit to the south west of the application site at lower ground levels. Again, due to the nature of the road, the application site property sits further back within its plot than the adjacent properties to the east, 10 and 10a. The rest of the properties to the east sit largely on a similar building line from 9 West through to 6 (10 and 10a sit slightly further back). The separation distances to the boundaries vary; the majority of the dwellings are large in size and are within sizeable plots, but the distances to the boundaries do vary. There is not a consistent (or consistently large) separation distance between the dwellings. At present, the minimum distance from the application property to the eastern shared boundary is approx. 2m (this is from the single storey side extension). There is a similar distance between 10 and the eastern boundary it shares with 9 West, 9 has a distance of approx. 1.3m to its eastern boundary with 8, 8a has a distance of approx. 1m to its eastern boundary shared with 7, and 7a has a distance of approx. 1.5m to its eastern boundary shared with 6 [and so on] (9 West and 9, are connected to one another, as are 8 and 8a, as well as 7 and 7a). Distances to the eastern boundaries therefore appear to be largely between approx. 1m and 2m. Distances to the western boundaries appear to be larger among these properties, with distances most commonly ranging between approx. 4m up to around 8.5m [in the case of the application site and its boundary with 11 West].
- 1.04 The Tunbridge Wells Conservation Area Appraisal states:

Hungershall Park is an impressive sequence of Italianate villas, often with deep projecting eaves. Although there are different elements within the detailing of the elevations, all are classically derived and form a harmonious group.

2.0 PROPOSAL

- 2.01 This application is for the addition of a new side extension and associated works/external alterations, including alterations to fenestration, and the addition of solar panels to the roof.
- 2.02 The alterations to fenestration include an additional window at ground floor level and two additional windows at first floor level on the front elevation, an additional window at first floor to the rear elevation, and a larger opening at ground floor level on the side (east) elevation.
- 2.03 This application follows on from the previously refused application ref: 22/02828/FULL, which was for refused for two reasons as follows:

The proposed extension, by reason of the scale, impact on the architectural and historic character of a non-designated asset, and potential impact on, fails to preserve the significance of the Conservation Area and would cause harm to the house itself as a non-designated heritage asset, causing less than substantial harm which is not outweighed by public benefit to the proposal. It is therefore contrary to paragraphs 202 and 203 of the National Planning Policy Framework 2021, Core Policy 4 of the Core Strategy 2010 and the National Planning Practice Guidance.

Insufficient information has been submitted to assess the impact of the proposed development on trees within the site. The development could be harmful to trees and would therefore fail to comply with the National Planning Policy Framework 2021,

National Planning Policy Guidance, Core Policy 4 of the Tunbridge Wells Borough Core Strategy 2010 and Policy EN13 of the Tunbridge Wells Borough Local Plan 2006.

- 2.04 Under the previous application, the side extension was proposed to be in line with the ridge of the existing main dwelling, having a pitched roof and including a new chimney. A new porch area was also included but does not form a part of this application.
- 2.05 Under this current application, the extension has been re-designed to have a flat roof with urned balustrade, thus dropping its overall height and setting it down from the main ridge of the existing dwelling.
- 2.06 New entrance gates and a carport are also proposed at the application site, but are the subject of a separate application ref: 23/00660/FULL.

3.0 SUMMARY INFORMATION

	Existing dwelling	Previously refused	Proposed
Max Height	13.8m/13.1m to chimney; 12.4m/11.6m (roof)*	13.1m (chimney); 11.6m (roof)	8.65m
Max Eaves Height	10.4m/9.6m*	9.6m	N/A.
Max Width	20m	5.25m	5.75m
Max Depth	15.5m	7.25m (ground floor); 8.45m (ground floor inc. section where stairs are located); 7.1m (first floor)	7.2m
Volume (metres cubed)	Original (1948) 2214; after single storey addition 2340	405 (by agent calculation); 441 (by Case Officer calculation)**	298 (by agent calculation); 339 (by Case Officer calculation)**

**measurement depends on which side elevation you measure from due to varying ground levels (measured to ground level shown on plans)*

*** the agent confirmed via email that the measurements provided them were measured off of the 3D model, but that this did not include the moulding areas etc., and the Case Officer figures were worked out approximately to compare to the figures provided by the agent. This would account for some discrepancies in the figures.*

4.0 PLANNING CONSTRAINTS

- Arcadian Area
- Metropolitan Greenbelt
- Outside the Limits to Built Development
- Tunbridge Wells Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings and Conservation areas) Act 1990*)
- *Non-designated heritage assets nearby including properties such as Numbers 1-12* Hungershall Park*

**excluding Number 2 which is statutorily listed at Grade II*

5.0 POLICY AND OTHER CONSIDERATIONS
The National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)

Development Plan:

Tunbridge Wells Core Strategy 2010:

Core Policy 2: Green Belt

Core Policy 4: Environment

Core Policy 5: Sustainable Design & Construction

Core Policy 14: Development in Villages & Rural Areas

Tunbridge Wells Borough Local Plan 2006:

Policy EN1 - General development criteria

Policy EN5: Development within the Conservation Area

Policy EN13: Development Affecting Trees

Policy EN24: Arcadian Areas

Policy H11: Extensions to properties Outside of the Limits to Built Development

Policy LBD1 - Development Outside the Limits to Built Development

Policy MGB1: Extensions to properties within the Metropolitan Green Belt

Site Allocations Local Plan 2016

AL/STR1

AL/STR2

Tunbridge Wells Borough Submission Local Plan 2020-2038

Policy EN1: Sustainable Design

Policy EN5: Heritage Assets

Policy EN12: Trees, Woodland, Hedges, and Development

Policy EN17: Arcadian Areas

Policy H11: Extensions to Residential Dwellings

Policy STR 9: Green Belt

Supplementary Planning Documents:

Alterations and Extensions 2006

6.0 LOCAL REPRESENTATIONS

6.01 Four site notices were displayed on 24th March 2022.

6.02 The application was also advertised in a local newspaper.

6.03 Objections have been raised from three properties including the following matters:

- Impact on Metropolitan Green Belt; contrary to NPPF
- Size; disproportionate to existing dwelling; cramping within site; narrow plot and infilling of space; overdevelopment; contrary to Policy H11
- Residential amenity (issues such as loss of sunlight, loss of privacy, overbearing impact and dominance, encroachment to boundary); contrary to NPPF and Alterations and Extensions SPD; site visit allegedly not undertaken
- Terrace area included within proposal which is not acknowledged
- Heritage Impact; on application property as well as 10/10A as non-designated heritage assets; Conservation Area; views from Nevill Park; disagree with Heritage Assessment; contrary to NPPF, Core Strategy & Local Plan
- Impact on Arcadian Area; contrary to Local Plan
- Impact on trees

- Sufficient information not provided (no ground stability assessment; no accurate light survey; no information on how to be constructed)
- Party Wall procedure to be invoked (Officer Note: this is not a matter which falls within the remit of the planning system, but is a civil matter between the respective parties)
- Impact on sustainability
- Previous refusal reason still relevant
- Design; in relation to flat roof, materials, being out of keeping
- Impact on outlook
- No screening or space for screening to be implemented
- Concerns regarding ground works due to topographical differences
- Allegedly misleading information submitted (such as/including: in relation to trees along eastern boundary, neighbour properties not shown in drawings)
- needs could be met through internal modification; extension not justified
- Allegedly misleading information submitted in agent response letter

6.04 It is noted that the above were presented in various different comments/correspondence, but the above is a summary of the issues outlined.

6.05 The following comments were raised in letters of support from four properties:

- property is not listed
- proposal is sympathetic; compliments overall design, environment and surroundings; complimentary features utilised
- Hungershall Park and Nevill Park have eclectic mix of properties
- previous extensions have detracted from appearance of property; proposal will address this
- effort made to use sustainable materials
- will bring substantial improvement and betterment
- will allow house to meet future needs

7.0 CONSULTATIONS

Conservation Officer (CO)

7.01 **(21/03/23)**: This application proposes an amended extensions and alterations scheme for 11 Hungershall Park, which is located in the Tunbridge Wells Conservation Area and is considered to be a non-designated heritage asset. This follows refusal of a previous scheme.

7.02 CO had raised two concerns with the previous application, which are as below:

7.03 'Firstly, I viewed Hungershall Park from Nevill Park, a relationship whose importance is well articulated in the conservation area appraisal. The buildings have, as with the other garden developments in town, an important relationship with each other and with the green boundaries. Some of the houses on Hungershall Park have already been extended, but the separation is clear. Viewed from Nevill Park, I can see that the two storey side extension would crowd the neighbouring property, and it is unclear what the implications are for the side boundary treatments. I understand that the Tree Officer has been unable to comment as an arboricultural report has not yet been submitted, and so I will defer to his comments when these come forward. Otherwise, I do have concerns that the spaciousness of the properties in their grounds, and the contribution of this towards the significance of the conservation area, will be harmed by the side extension proposal. The application statement says that the side extension will not be visible from the public realm, which is true in part, but as noted it will be easily visible from Nevill Park, which is identified as an important view to the character and appearance of the Conservation Area.

- 7.04 Secondly, it has been brought to my attention that the Civic Society has found that this is the only house in Hungershall that can be attributed to an architect, and the architect is a notable local architect. At least one of the buildings that he designed is grade II listed. I did note my concerns about the alterations to the front elevation and the change in architectural style, even if it is a similar period. Because it can be attributed to an important local architect and has townscape value, the house meets at least two of the Local Heritage Asset criteria within our adopted SPD. Paragraph 203 therefore applies, and in my view the extent of alterations would be harmful to the original design intent of the architect, however well designed in isolation of this fact.'
- 7.05 Point 1: I have walked Nevill Park again and can confirm that it can be glimpsed through the tree belt at the moment now that the leaves have fallen, but only just glimpsed in heavily filtered views. When walking west to east down Nevill Park the orientation of the road first means there are no views, and then from Nevill Court that end of Hungershall is masked by more than one tree belt. Moving along Nevill Park, where views might open to the west to be able to see No. 11, another tree belt obscures. Therefore, the only clear views lead up to the eastern part of No. 10 and there are only very filtered views of No. 11, during winter time only. My view is that a side extension will not be perceived from Nevill Park and therefore will not impact on the impression of spaciousness that is important to this part of the conservation area, as the only other view of the house is at close range from the road. The reduction in height of the extension in any case will relieve the pressure on the side boundary and utilise a parapet style (urned balustrade) that is appropriate to the style of the property. The extension will otherwise include the architectural details of the main house, which is supported.
- 7.06 Point 2: The elevation alterations have been revised and these largely maintain the appearance of the original house, with some minor improvements to fenestration.
- 7.07 I believe that these revisions mean that no harm would be caused to either the significance of the house itself as a non-designated heritage asset, or the Conservation Area in turn. I can therefore support these proposals, though this is also subject to the views of the Tree Officer as well, in reference to my comments on the previous application regarding the need for an arboricultural report, and the Tree Officer's comments on that. Conditions suggested (as below).
- 7.08 **Further comments received 27/04/24 in response to neighbour objection to Heritage Report (addendum to comments from 24/04/23)*

I have had a look at this representation to take into consideration any relevant points raised that you may need further advice on. The representation does not alter my advice to you provided in my consultation response, in which I made it clear that any heritage concerns I had relating to the previous application had been addressed in this application. I will comment briefly on some of the items in the attached document below, using the paragraph numbering in the letter, though much of the letter deals with information within the applicant's supporting heritage statement, which the applicant may wish to address. I believe there are some assumptions made in the letter for which I cannot see substantiation, such as the contention that No. 11 was the 'flagship house' of the development, particularly given that it is not listed, and one of the houses, No. 2, is, and repetition of many points to do with residential amenity rather than heritage. Concerns about residential amenity are not heritage considerations. To summarise, proportionate to the contribution that the house makes towards the significance of the conservation area overall, as per caselaw consideration, the scale of the proposed extension (still subservient to the main

house), bearing in mind the enclosed nature of the site as well, would not have a harmful impact on the significance of the conservation area. The Arcadian character of the area will not be affected. The extension is designed to respect the original design of the house, with a repetition of architectural details and form. These are all relevant points when applying the relevant NPPF paragraphs 195, 199 and 203 (I refer in particular to the need to make a 'balanced judgement' in 203)

- 7.09 3. I have reviewed again the views to the property from Nevill Park, and this is set out in my consultation response. Trees and hedges can sometimes be considered more ephemeral than buildings, but the view to this particular property, on the bend of the road, would not be as direct as the others, and in any case the tree belts discussed are very well-established.
- 7.10 4. Comparisons are made with Bredbury House on Mount Ephraim, which is helpful in bringing up the fact that it was designed by the same architect and is also considered to be a non-designated heritage asset. However, it is not listed, nor is it as prominent or of a similar design, and the Civic Society local list is not a list that has been adopted by the Council as a material consideration, though as stated before, we do in any case consider it to be a non-designated heritage asset. Its situation is different to that of No. 11, being on a principal route into town. We have no evidence that it has not been extended 'in order to protect its status', and in fact permission has been granted to build in the space immediately adjacent to it, which has not yet been implemented, in addition to the new build directly adjacent which was also granted permission and has been built. The setting has therefore been altered, as has the character and appearance of the conservation area. Therefore, in planning terms, no. 11 already has the same status as Bredbury House as a non-designated heritage asset within a conservation area – there is no additional 'protected status' for Bredbury as mentioned in the letter.
- 7.11 Buildings and spaces contribute to the special character and appearance of a conservation area where they can be more widely appreciated as doing so, a different consideration to change to the setting of listed buildings.
- 7.12 Finally, I have the following responses to make to the points set out in the conclusion:
1. Cronk's design is accomplished but not exceptional and its original design will be retained, with the new windows and extension matching the architectural detail and style.
 2. The Abergavenny Estate was very large and a number of developments within this and another conservation area (Madeira Park and Warwick Park) are attributed to the historic residential development of the estate. There are several well-designed buildings on the road, including the grade II listed no. 2, and there is no evidence of 11 being a flagship for the development here.
 3. Bredbury is significantly more visible, being on a principal route within the town and located on a ridge which is visible from longer distances. It is architecturally more accomplished than No. 11. Both are considered non-designated heritage assets.
 4. No. 11 is not the only building on Hungershall Park that has benefited from development:
 - No. 10 has a side elevation extension which has closed the gap between 10 and 9
 - No. 9 has had a side extension closing the gap between it and No. 8.
 - No. 8a has had a side extension closing the gap between 8 and 7.
 - No 6 has a side extension which has closed the gap between it and No. 5.

- 5a has had a front extension.
- 5 has had a side extension closing the gap between it and No. 4.
- No. 2 (listed) has had a side extension closing the gap between it and No. 1.

5. It is agreed that the houses on Hungershall Park, including No. 10, are non-designated heritage assets (apart from the designated no. 2), which has been taken into consideration as a positive contributor to the conservation area, both with this application and the recent application for alterations to East Wing* (TW/22/00993/FULL).

*It is noted that in the Conservation Officer response, there was a genuine typing error whereby '10a' was written instead of 'East Wing'. This was a typing error only, and the Conservation Officer was fully aware of which property they were referring to.

7.13 **Tree Officer**

(04/04/23 – informal comments): No objections to the scheme proceeding from the Arboriculture perspective as the report excludes trees that may be impacted by the proposed build.

7.14 The only thing worth noting is the requirement to remove a poor quality tree, which would have happened anyway.

7.15 No objections and no conditions requested.

8.0 APPLICANT'S SUPPORTING COMMENTS

8.01 A Heritage Assessment and a Design & Access Statement have been submitted as part of the application.

8.02 The Design & Access Statement highlights that the side extension would replicate details from the main house and nearby properties. It details that string courses are replicated and the window moulding details are followed through. False window indents are utilised on the side elevation to maintain the privacy of the adjacent property.

8.03 The Heritage Assessment sets out that the proposal would respect the main dwelling and its surroundings.

8.04 The Planning Response Letter from the agent concludes that the material planning considerations have been diligently considered following the previously refused application, and that the scheme meets TWBC and national policy requirements. It also states that the setting within the Conservation Area and existing house as a non-designated heritage asset are respected, and the impact on neighbouring amenity has been addressed and will not cause harm or detriment and the design revised to remove any Right to Light or overlooking concerns.

9.0 BACKGROUND PAPERS AND PLANS

Application Form;

Drawing Number 201 Rev P3 – Location & Block Plans (received 01/03/23)

Drawing Number 202 Rev P2 – Existing Site Plan & Elevation Surveys (received 01/03/23)

Drawing Number 203 Rev P2 – Existing Site Photographs (received 01/03/23)

Drawing Number 204 Rev P2 – Existing House Floor Plans (received 01/03/23)

Drawing Number 205 Rev P3 – Existing House Elevations (received 01/03/23)

Drawing Number 206 Rev P2 – Proposed Site Plan (received 01/03/23)

Drawing Number 207 Rev P3 – Proposed House Floor Plans (received 01/03/23)

Drawing Number 208 Rev P5 – Proposed House Elevations (received 01/03/23)
Drawing Number 209 Rev P3 – Proposed Perspective Views (received 01/03/23)
Arboricultural Implications Assessment (received 01/03/23)
Amended Heritage Assessment (Rev D) (received 26/04/23)
Design & Access Statement (received 01/03/23)
Letter from agent dated 19 April 2023 (received 26/04/23)
Murphy Associates response to Neighbour comments (received 26/04/23)
Document outlining revisions to Heritage Assessment (received 26/04/23)
Email from agent received 26/04/23 regarding response to neighbour comments
Email from agent received 03/05/23 confirming extension of time
Emails from agent received 04/05/23 regarding volume calculations

10.0 APPRAISAL

Principle of development

- 10.01 The site lies outside of the Limits to Built Development (LBD), where there is general restraint against development. However, policies exist in the Local Plan that allow for residential extensions outside the LBD.
- 10.02 Policy MGB1 states that for development “*within the Metropolitan Green Belt, planning permission will not be granted other than for extensions, alterations or replacements of a dwelling, provided it is in accordance with Policies H10 and H11*”. Core Policy 2 has similar requirements.
- 10.03 Policy H11 of the Local Plan controls extensions outside the LBD. It advises that ‘modest’ proposals are those that would result in an increase of around 50% of the volume of the dwelling or 150 cubic metres (gross), whichever is the greater, subject to a maximum of 250 cubic metres (gross).
- 10.04 Part 13 of the National Planning Policy Framework is particularly relevant here as it addresses the Green Belt. Para 147 states that inappropriate development is by definition harmful to the Green Belt and should not be approved. Paragraph 149 states that the construction of new buildings comprises inappropriate development in the Green Belt. There are however certain exceptions to this. The proposals set out within this application would fall within one of these categories:
- ‘The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building’*
- 10.05 Thus, by definition, the proposal would not comprise ‘inappropriate development’ within the Green Belt, providing it would not harm its openness through disproportionate additions to the building. ‘Disproportionate’ is not defined within the NPPF and assessing such is a matter of planning judgement in each individual case. The application falls primarily to be assessed against the current Development Plan (the Local Plan, the Core Strategy and the Site Allocations Local Plan) unless the NPPF - as a material consideration - indicates differently.
- 10.06 ‘Openness’ is the absence of development such as buildings, hard surfacing and the residential use of land. It is essentially freedom from operational development and relates primarily to the quantum and extent of development and its physical effect on the application site. It is a different consideration to ‘visual impact’ as the openness of the Green Belt has a spatial aspect as well as a visual aspect. The absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result (for example) of constructing a new building/extension there.

- 10.07 As the property is located within the Green Belt, the volume considerations must consider the volume in 1948, meaning the cumulative volume of this proposal and the single storey extension permitted in 2004 (under ref: 04/01697/FUL) would need to be considered.
- 10.08 The volume of the dwelling as it stood in 1948 is therefore considered to be approx. 2214 cubic metres, with the 2004 single storey extension adding an additional 126 cubic metres, meaning the existing volume is approx. 2340 cubic metres. The proposed extension is approx. 298 cubic metres bringing the total volume (including the single storey extension) would now be approx. 2638 cubic metres. It is noted that the Case Officer figure is closer to approx. 339 cubic metres for the extension, which would instead bring the total volume to approx. 2679 cubic metres. This is greater but not significantly so and still amounts to a figure (21%) well below the policy guidance.
- 10.09 Although the Policy H11 threshold of 250 cubic metres is exceeded, the overall extensions combined would clearly be less than 50% of the original dwelling.
- 10.10 Different figures were provided by the agent for the refused 2022 application. However, as this application was refused, and the volume figures/size of the extension did not form one of the two reasons for refusal.
- 10.11 The supporting text to Policy H11 is clear that the volumetric increase is not the sole criterion on which applications such as these are to be judged; H11's subtext also makes it clear that each application must be determined on its own merits. Appeal Inspectors have been clear that even if a proposal breaches the volumetric limits, it is necessary to judge whether a proposal causes visual harm to the landscape, the Green Belt, the historic character of the area etc. Criterion (2)'s requirements (that the extension would be modest, in scale with the original dwelling, would not dominate it visually nor result in a poorly proportioned building, nor detract from its character and setting) carries equal weight in the determination.
- 10.12 Neither Local Plan nor NPPF Green Belt/residential extensions policy restricts extensions solely on volumetric increase. It can be seen that a range of factors are taken into consideration, of which volumetric increase is just one.

Visual Amenity & Impact on Conservation Area/non-designated heritage asset & Arcadian Area

- 10.13 The extension would be visible from within the street scene and thus would have an impact on visual amenity.
- 10.14 The extension is large in terms of its size, but as noted above, when comparing this to the size of the existing main dwelling would not be considered to be excessive. It is also reduced in size from the previously refused application in terms of its height, thus reducing its overall scale and mass. From the submitted block plan, the extension would be approx. 1.3m from the shared boundary. It would therefore be considered to comply with the Alterations and Extensions Supplementary Planning Document 2006, as this states that a minimum distance of 1m to the boundary is usually appropriate for side extensions. It would also be considered typical of the distances between the properties along the top of Hungershall Park with their eastern boundaries (as noted above, this appears to generally vary between 1m-2m). Overall, when taking the size of the existing dwelling as well as the site as a whole into account, the extension can be seen to be subservient to the main dwelling.
- 10.15 The revisions to the design of the extension have resulted in the extension now utilising a flat roof with urned balustrade. It is noted that the Alterations and

Extensions 2006 Supplementary Planning Document states that flat roofed extensions are usually considered to be unacceptable at two storey height, as they can appear unsympathetic to the form of the original building.

- 10.16 However, in this instance (as set out in greater detail below and in their consultee replies), the Conservation Officer has confirmed that the design and style of the extension would be sympathetic in relation to the main dwelling. From a planning perspective, whilst flat roofs at this height are not usually encouraged, this is assessed on a case by case basis dependent on the context of the site, as well as other design factors. In this instance, the extension would be set down from the main ridge, and the use of the urned balustrade detail would aid in the appearance of the flat roof. The extension would appear more subservient to the main dwelling, and it is otherwise sympathetically designed. Therefore the site specific comments from the Conservation Officer, which are made by a heritage professional (and are informed by a detailed analysis of the building and its surroundings along with the historic context of the site) outweigh the broad general commentary within the SPD (which is not adopted policy, but only guidance) advising against flat roofed two storey extensions.
- 10.17 The site would be able to accommodate the size of the proposals, and would not appear cramped or result in any overdevelopment within the site.
- 10.18 Local Plan Policy EN24 sets out that proposals which would affect an Arcadian Area will only be permitted if the following criteria are satisfied:
- 1. The proposal would result in a low density of development where building heights, site coverage, distance from site boundaries, and front and rear building lines respect the predominant characteristics of the area;*
 - 2. Landscaping would dominate within the site and along the boundaries;*
 - 3. Access widths would be narrow; and*
 - 4. Buildings and parking would be well concealed in views from public places*
- 10.19 The Arcadian nature of the area is a key component of the CA's historic character and the impact of the development in this regard has been assessed by the Conservation Officer. As such, it is considered that the side extension will not be clearly perceived from Nevill Park and therefore will not impact on the impression of spaciousness that is important to this part of the CA, as the only other view of the house is at close range from the road.
- 10.20 The parapet style (urned balustrade) of the extension would be appropriate given the style of the property.
- 10.21 The proposed alterations to the architectural features of the front elevation have now been greatly reduced and now retain the appearance of the house [by removing the porch and changes to the fenestration on the front elevation including to the main entrance which was previously proposed under the refused application].
- 10.22 The Conservation Officer concludes by confirming that the revisions mean that no harm would be caused to either the significance of the house itself as a non-designated heritage asset, or to the Conservation Area in turn. This is subject to the addition of the conditions as below.

10.23 The Conservation Officer has considered the matters raised by the objectors and in paras. 7.08 – 7.12 above, following which their position on the development was re-affirmed. It was also confirmed that the Arcadian character of the area would not be adversely affected.

Residential Amenity

10.24 Criterion 2 of saved Policy EN1 requires that proposals do not cause significant harm to the residential amenities of adjoining occupiers and would provide adequate residential amenities for future occupiers of the development, when assessed in terms of daylight, sunlight, and privacy. Residential amenity matters within the NPPF are caught by the general design section.

10.25 For an 'outlook' to be substantially harmed the impact must be far greater than a simple change of view. The preservation of a private view or the corresponding impact on adjoining property values through the loss of that view are not material planning considerations. Similarly, it is considered important at this juncture to distinguish between overlooking (and a consequential loss of privacy) and merely being able to 'see' towards another property. The former can be grounds for refusal under saved Policy EN1 (depending on the severity of the impact), the latter is not.

10.26 As set out within the Officer Report to the previously refused application, 10 and 10A Hungershall Park sit adjacent to the north east of the application site, and would be within closest proximity of the proposals. The application property sits further back within its plot than 10/10A. As mentioned previously above, from the submitted block plan, the extension would be approx. 1.3m from the shared boundary. There is a further distance of approx. 7m to the western elevation of this dwellinghouse itself [at the point of the extension] (it is noted that the property comes closer to the boundary further north, with the gap being approx. 4.5m).

10.27 It is noted that the relationship between the properties would be altered as the extension would be fairly large in size. However, the height of the extension would be reduced by approx. 2.95m under this application [compared to the previous application] due to the design revisions. It was concluded for the previous application that whilst there would be some limited increase in overbearing impact from what is present as existing, given the overall distance between the two properties as well as the difference in building line with the application property being sited further back, this impact would not be considered to be significantly harmful to the amenity of the neighbouring dwelling. As the overall height of the extension has now been reduced, this conclusion has not changed, and the impact would actually be lessened compared to the scheme within the previous refused application.

10.28 With regards to loss of sunlight, the rear of the properties are south facing, and 10/10A are situated to the north east. Any loss of sunlight would only occur during the afternoon, and this would not be considered to be significantly harmful. The addition of the extension would mean there would be a change from the current situation, but it would not be considered so harmful as to warrant a refusal. There would already be a certain amount of loss of sunlight during this part of the day at present caused by the existing main dwelling. Again, it was concluded under the previous application that this was not a reason for refusal, and this has not changed under the current application.

10.29 No new window openings are proposed on the side elevation of the extension facing towards 10/10A. As a result, there is not considered to be any significantly harmful increase in overlooking.

- 10.30 The extension would now utilise a flat roof. This is not proposed to be used as a balcony area, and no access to it is shown on the floor plans. A condition is added below to ensure this remains the case in order to protect amenity.
- 10.31 As before, a larger window is proposed at ground floor on this side elevation, but as there is already a window present as existing and this would only be at ground floor, it is not considered harmful.
- 10.32 It is noted that 10A is located on the first and second floors of Number 10, and that the only amenity space for this property is a terrace on the western elevation of Number 10. Again, it was noted under the previously refused application that despite this (and although it is acknowledged that the relationship between the two would be altered), fundamentally the outlook would be largely similar – in that the existing Ashdown House is present and visible from the terrace. This would not change. Whilst the change is noted, given the overall relationship between the two, it was concluded that this would not, in its own right, justify a reason for refusal of the application, and again, that remains to be the same under the current application.
- 10.33 Eleven West sits to the south west. This property would not appear to be directly impacted by the proposals given the relationship between the two, and the location of the proposals within the application site in relation to this dwelling.
- 10.34 The application site also shares part of its boundary with 12 Hungershall Park and 9 West. These properties would not appear to be directly impacted given the relationship between them. No properties lie directly opposite; Nevill Park lies to the north approx. 300m away, which is too distant to be affected.

Trees

- 10.35 In determining the previous application, one of the reasons for refusal was that insufficient information had been provided with regards to the impact of the development upon trees [at the time of determination]. For this current application, an Arboricultural Implications Assessment was provided, and the Tree Officer was consulted. The Tree Officer raises no concerns or objections with regards to the impact on trees, and no conditions are requested.

Other

- 10.36 It is noted on the submitted floor plans that part of the basement would form a self-contained 'flat'. The agent previously confirmed that this would remain incidental to the main dwellinghouse, and a condition is added in respect of this below.

Response to neighbour comments not part of the above main issues

- 10.37 A site visit was undertaken at the application site by the Case Officer and Conservation Officer in July 2022. The Case Officer subsequently undertook a site visit to Number 10/10A Hungershall Park as part of the previously refused application on 13/10/22. The Conservation Officer re-visited Hungershall Park in April 2023.
- 10.38 Information such as a ground stability assessment, light survey, and information on how the proposal would be constructed are neither NPPF/Local Plan nor legislative requirements to support an application.
- 10.39 The Party Wall Act is not a material planning consideration carrying any weight and would instead be a civil matter.
- 10.40 Each application is assessed individually and on its own merits. Consideration cannot be given to possible future development as this is speculation. The Local Planning

Authority (LPA) can only assess the application in front of it. It is not for the LPA to comment on why or why not an applicant is proposing a certain type of development, nor the apparent 'need' for the development as this is not required to be demonstrated by NPPF/Local Plan policy.

10.41 Pre-application advice was given in line with standard procedure in between the 2022 refusal and the submission of this current application. Any advice given by Council Officers for pre-application enquiries does not constitute a formal decision by the Local Planning Authority. Any views or opinions are given at Officer level only in good faith, and to the best of ability, without prejudice to the formal consideration of any future planning application.

11.0 RECOMMENDATION – GRANT subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Number 206 Rev P2 – Proposed Site Plan (received 01/03/23)
Drawing Number 207 Rev P3 – Proposed House Floor Plans (received 01/03/23)
Drawing Number 208 Rev P5 – Proposed House Elevations (received 01/03/23)

Reason: To clarify which plans have been approved.

- (3) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of those areas of work referred to below, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Typical detail section or elevation drawings of architectural features on the extension such as window hoods, parapet balustrade, cornices, and quoins.
- b) Render colour and finish
- c) Joinery elevation and section drawings at 1:5 scale, including details of materials and finish.

The development shall be carried out in accordance with the approved details.

Reason: To maintain the quality of the development.

- (4) The flat roof area above the extension shall not be used as a veranda, balcony, roof garden or similar amenity area. No new balustrades, railings or other means of enclosure shall be erected and access to this flat roof area shall be restricted solely for the purpose of future maintenance of the building and for no other purpose.

Reason: In the interests of protecting the residential amenities of the adjacent dwelling(s).

- (5) The area within the basement noted as 'flat' on the submitted floor plans shall not be

occupied at any time other than for purposes incidental to the residential use of the dwelling known as Ashdown House, 11 Hungershall Park, Royal Tunbridge Wells, Kent, TN4 8NE.

Reason: To prevent the formation of a substandard dwelling without adequate independent living space, amenities, access and car parking.

Case Officer: Abby Shillingford

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.