

Appeal Decision

Site visit made on 5 May 2017

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd May 2017

Appeal Ref: APP/G2245/D/17/3169566

Highlands Cottage, Highlands Hill, Swanley BR8 7NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Michael Meller against the decision of Sevenoaks District Council.
 - The application Ref 16/03216/CONVAR, dated 7 October 2016, was refused by notice dated 5 December 2016.
 - The application sought planning permission for "*the erection of single storey side and rear extensions to form new annexe and conversion of existing garage into separate ancillary accommodation*" without complying with a condition attached to planning permission Ref SE/15/03159/HOUSE, dated 26 February 2016
 - The condition in dispute is No. 6 which states that:
The pantiles to the roof of the existing garage shall be retained.
 - The reason given for the conditions is:
For the avoidance of doubt to maintain the integrity and character of the Listed Building as supported by policy EN4; of the Sevenoaks Allocations and Development Management Plan and National Planning Policy Framework.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this case are the effects of the proposal on the appearance of the host building and main house, and whether it would preserve or enhance the character or appearance of the Swanley Village Conservation Area.

Reasons

3. The appeal property is a handsome grade II listed part single and part 2-storey house which is located in the Swanley Village Conservation Area. To one side there is a garage. Although this is of later origin than the house it clearly forms part of the curtilage and heritage interest of the listed property and makes a positive contribution to the character and appearance of the Conservation Area. The roof of the garage predominately comprises pantiles with a small area of Kent peg tiles above the eaves at the front. Although pantiles are not a common feature in the area, they positively contribute to,
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and are a major constituent of, the character of the garage. This is a matter to which I attach significant weight.

4. Planning permission was granted in February 2016 for an extension to the house together with the conversion of the garage to ancillary living accommodation. The latter would include the infilling of the garage door openings and installations of windows and an entrance door, which would radically change the appearance of the building. This does not however form a justification for further alterations that would harm the appearance of the building.
5. The appellant seeks the deletion of condition No. 6 to enable the replacement of the pantiles with Kent peg tiles, which would be more in keeping with the house. However, the architectural and historic interest of the property and associated outbuildings is to a large degree derived from the variety of materials and the distinctiveness of the buildings. In my view this distinctiveness would be denuded to an unacceptable level by having similar tiles on all the buildings.
6. For the reasons set out above, the deletion of condition No. 6 to allow the removal of the pantiles would have an unacceptable effect on the character and appearance of the garage and the listed building of which it forms part and would fail to preserve the character and appearance of the Swanley Village Conservation Area. The proposal is therefore contrary to Policy EN4 of the Sevenoaks Allocations and Development Management Plan. This policy states that proposals that affect a Heritage Asset will be permitted if they conserve or enhance the character and appearance of the asset.

Conclusion

7. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR