
Appeal Decision

Site visit made on 26 June 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 12th July 2017

Appeal Ref: APP/G2245/W/17/3172342
8 Market Square, Westerham TN16 1AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Eton Vista Ltd against the decision of Sevenoaks District Council.
 - The application Ref SE/16/03836/FUL, dated 12 December 2016, was refused by notice dated 8 February 2017.
 - The development proposed is alterations to front elevation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of the appeal are the effect of the proposed development on the character and appearance of the existing building and the townscape, the Westerham Conservation Area and the Area of Outstanding Natural Beauty (AONB).

Reasons

3. Policy EN1 of the Sevenoaks District Council Allocation Development Management Plan (the Management Plan) requires proposed development to be of a high quality design. Policy EN4 of the Management Plan seeks to conserve or enhance the District's Heritage Assets.
4. No 8 Market Square is located within a terrace of buildings to the north side of Market Square. There are a variety of types and styles of buildings within the centre of Westerham that host distinctive features. Collectively these, in my opinion, contribute to the mix of interesting buildings that make up this central area. This former bank building, with its larger frontage, is a prominent building within Market Square. The existing facade is of 'office' style and is attractively detailed comprising Tuscan columns supporting a fascia with sash windows between columns which are set upon a moulded stone cill and high brick plinth.
5. Although located within a designated conservation area the appeal building is not listed. Paragraph 135 of the National Planning Policy Framework (the Framework), indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account. The Westerham

Conservation Area Appraisal¹ highlights No 8 Market Square as an unlisted building which contributes to the character of the Conservation Area.

6. The centre of Westerham is commercial in character and hosts premises with a variety of different shopfronts and other commercial frontages. The Council's Conservation Officer indicates that as a former bank building the building is of historic significance to the development of the town, in addition to having inherent architectural interest. I observed that the elaborately detailed frontage has its own individual distinctive appearance that differentiates it from other buildings in the centre. This striking building and its office frontage, in my opinion, significantly contributes to the mix of styles of buildings that make up this streetscene and the wider townscape around Market Square.
7. The proposed replacement retail frontage would result in the loss of the fine features that have been identified to make up the office frontage and distinguish the building as a former commercial bank. Although the appellant suggests that some of the detailing of the existing frontage is superficial and directs me to damage to the base of one of the timber pilasters, the Council's Conservation Officer highlights the frontage to be one of the best original historic commercial frontages within the centre.
8. I acknowledge that the premises has planning permission to operate as a restaurant at ground floor. I also note that the appellant asserts that the bespoke new shopfront has been designed to respond to the existing composition and character of the existing building frontage and other shop frontages in the town. Whilst the conservation area is not formed of one unified design to the buildings and/or shopfronts and the new shopfront would only relate to changes at the ground floor level, I consider the proposed development would be a detrimental alteration to the frontage of this building. It would also diminish the contribution that this building makes, in its current form, to the character and appearance of the townscape, particularly as the contribution primarily derives from its existing office facade.
9. This is a large conservation area made up of a variety of different areas of differing character. I accept that No 8 and the wider northern part of the Market Square is not identified on the Council's Conservation Area Appraisal character map as an 'important grouping' or included within any 'views' on the views map. Nonetheless I consider the proposed frontage alterations would diminish the existing visual contribution that this building makes in its own right to this Market Square townscape and the wider setting of the Westerham Conservation Area. I am also mindful that the harm that would be brought about by the proposed alterations would be permanent and that the harm would be prevalent in public views from within and around Market Square.
10. As paragraph 132 of the Framework makes clear, when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. Given the size and scale of the proposal in the Conservation Area, I consider there would be less than substantial harm to the character and appearance of the Conservation Area. In accordance with paragraph 134 of the Framework, I must weigh the harm against the public benefit of the proposal. Although the proposal would create a more typical restaurant/café shopfront similar to others within the town that may more clearly announce the restaurant/café use of the premises

¹ Sevenoaks District Council: Westerham Conservation Area Appraisal and Management Plan, 2014.

in public views, such public benefits, in my view, would be limited, and insufficient to outweigh the harm identified.

11. Policy EN5 of the Management Plan ensures the protection of the rural landscape and scenic beauty of the AONB. Paragraph 115 of the Framework seeks to conserve cultural heritage in such areas. To my mind the primary aim of AONB is to maintain, protect and enhance the undeveloped coast and distinctive rural landscapes. Whilst the settlement of Westerham falls within the AONB I cannot conclude that the proposed development, being centrally located within the urban centre, would impact upon the wider landscape and its scenic beauty.
12. Although I have not found harm in respect of the AONB, for those reasons set out above, I conclude that the development would fail to preserve the character and appearance of the existing building, the townscape and the Westerham Conservation Area. In this regard, the appeal scheme would conflict with the requirements of the Framework and would not constitute sustainable development in the contexts of paragraphs 7 and 14 of the Framework. The proposal would also conflict with Policies EN1 and EN4 of the Management Plan that seek development to achieve high quality design and to conserve or enhance the character, appearance and setting of heritage assets, amongst other matters.

Other Matters

13. The appellant contends that the policies of the Management Plan, although adopted after the publication of the Framework, do not allow for the balancing exercise to be undertaken and, as such, the policies are inconsistent with the Framework, thus should only be attributed limited weight. To support this view, the appellant has referred me to an appeal decision at Staffordshire² where the Inspector found that a policy did not admit the weighing of public benefit against harm as set out in paragraphs 132 to 135 of the Framework. That Inspector also commented that the language of the Framework was not reflected in that particular Council's policy.
14. Paragraph 215 of the Framework indicates that due weight should be given to policies in existing plans according to their degree of consistency with the Framework. In this case the policies referred to in the Council's decision notice, and particularly Policy EN4 relating to heritage assets, does not specifically set out a requirement to weigh the public benefits against harm as set out in paragraphs 132 to 135 of the Framework. In my view this reduces the weight that can be attached to the policies in this particular respect. Nonetheless, it remains the volition of Policy EN4 to conserve and enhance the District's Heritage Assets and Policy EN1 to achieve high quality design and in these respects I attach significant weight to these policies.
15. In reaching my decision I have had regard to the DCLG and Nuon UK Ltd³ and Forge Field Society, Barraud and Rees⁴ high court judgements that relate to the assessment of harm to heritage assets. I have also had regard to Historic England's Good Practice advice that has been referred to me by the appellant. However, these do not alter my above findings.

² APP/B3438/W/15/3005261 Land off Milltown Way, Leek, Staffordshire ST13 5SZ

³ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

⁴ EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks District Council, West Kent Housing Association and Viscount De L'Isle

Conclusions

16. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR