



Appeal Decision

Site visit made on 7 January 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2021.

Appeal Ref: APP/G2245/W/20/3256816

Bank Building, Station Road, Otford TN14 5QX

- 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 Mr R Gulliver against the decision of Sevenoaks District Council.
 - The application Ref 19/00971/FUL, dated 29 March 2019, was refused by notice dated 19 June 2020.
 - The development is for the demolition of existing building, erection of replacement building comprising 3 x 1 bedroom and 2 x 2 bedroom residential units, parking and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. An application for costs was made by Mr R Gulliver against Sevenoaks District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal property is a detached, single storey building situated on Station Road. The appeal site lies in close proximity to the railway line and Otford Station. The surrounding area is predominantly characterised by dwellings of moderate domestic scale.
 5. Although I accept the principle of the redevelopment of this site in a residential area, I do not consider that the block of 5 flats would be sympathetic to local character. The site is conspicuous, being located on the outside of a bend and clearly visible from both directions along the highway. This prominence is particularly evident when the site is approached from Otford village centre, due to the rise in topography as the adjacent railway bridge is crossed.
 6. The proposed building would be of substantial mass and bulk, resulting in a dominant form of development that would be at odds with the more modest proportions of the existing residential buildings in the streetscene. Introducing a new building of this footprint, position and height would therefore result in an incongruous feature in the context of the neighbourhood.
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7. I recognise that the proposed use of materials and contemporary design approach need not be out of keeping within the setting. I am also mindful of the appellant's reference to paragraph 127 of the National Planning Policy Framework (the Framework) which states that appropriate innovation or change (such as increased densities) should not be prevented or discouraged. Still, I have had equal regard to the same paragraph which also requires developments to function well and add to the overall quality of the area, and I do not consider that the proposals have successfully achieved this.
8. I am aware that landscaping could soften the building to a degree. However, given the mass, height and bulk of the apartments in close proximity to the road frontage, the screening would need to be of a height and density that of itself would look unusual or out of place in the vicinity.
9. I note that the appeal building is not locally or statutorily listed and the site is not located in a conservation area. I observed that there are many types of dwellings set differently within their plots, which add variance to the street scene. There are no objections from the Council having regard to the living conditions of the occupants of neighbouring properties or future residents of the proposed units. However, these matters do not compensate for the cumulative mass and bulk that would be clearly visible within the locality.
10. Pilgrims Oast to the rear of the site is a former oast house that has been converted to residential properties. Whilst I acknowledge that the building is a feature within the streetscene, I am also cognisant that it has not been identified as having any special significance or landmark quality worthy of protection. I have not been provided with any compelling evidence that suggests views of the building should be safeguarded, and consequently I consider that there would not be any material detriment to the character and appearance of the area in this respect. Nevertheless, the absence of harm to Pilgrims Oast would be a neutral factor in my determination of the appeal.
11. I therefore conclude that the scheme would cause an adverse effect on the character and appearance of the area. It would fail to meet the provisions of policies SP1 of the Sevenoaks Local Development Framework Core Strategy February 2011 and EN1 of the Allocations and Development Management Plan February 2015, which require development to be designed to a high quality and respond to the distinctive local character of the area in which it is situated.

Other Matters

12. The appellant has drawn to my attention that pre-application discussions had taken place with the Council before the application was submitted. However, I am mindful that such advice is generally given without prejudice to the outcome of any subsequent planning application. In any case, as the appeal is now before me, I have necessarily considered the proposal on its merits.
13. I have had regard to other matters raised including concerns from the Parish Council relating to parking, amenity space provision and the setting of a precedent. However, these concerns are not supported by any substantive evidence that would justify the dismissal of the appeal on these grounds.

Planning Balance

14. The National Planning Policy Framework (the Framework) does not change the statutory status of the development plan as the starting point for decision

making. Based upon my previous findings, the proposal is not in accordance with the policies of the development plan due to the harm I have identified in terms of the character and appearance of the area. The absence of harm relating to other matters, for example in terms of the living conditions of occupiers of neighbouring properties, are a neutral factor.

15. It is not a matter of dispute that there is a shortfall relative to the Council's ability to demonstrate a deliverable five year supply of housing. Consequently, the housing policies which are most important for determining the application are out of date and paragraph 11(d) of the Framework should be applied.
16. The development would make a positive contribution to housing supply in an accessible location with associated social and economic benefits, including to the local economy during construction and to local services and facilities upon occupation. However, to my mind, when assessed against the policies of the Framework as a whole, the adverse impacts of granting planning permission in this case in terms of the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the development proposed. Therefore the presumption in favour of sustainable development does not apply in the particular circumstances of this case.
17. The conflict with the development plan and the Framework when taken as a whole and the associated harm to the character and appearance of the area identified are significant and overriding factors. Consequently, the material considerations in this case, including the contribution to housing supply and associated benefits previously identified, do not indicate that the application should be determined otherwise than in accordance with the development plan.

Conclusion

18. For the reasons given the proposal is unacceptable and I conclude that the appeal should fail.

C Hall

INSPECTOR