



Appeal Decision

Site visit made on 16 February 2022

by Cullum J A Parker BA(Hons) PgCert MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 FEBRUARY 2022

Appeal Ref: APP/G2245/W/21/3268330

Westerham Lodge, Quebec Square, Westerham, TN16 1TD

- 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 Mrs L Palmer against the decision of Sevenoaks District Council.
 - The application Ref 20/01874/FUL, dated 3 July 2020, was refused by notice dated 22 October 2020.
 - The development proposed is described as '*change of use of land to create an alternative access and the associated driveway*'.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site is located within the Green Belt. The *National Planning Policy Framework* (the Framework) sets out at Paragraph 147 that inappropriate development is, by definition, harmful to the Green Belt. The main parties consider that the proposal would be 'not inappropriate' as it would represent an engineering operation under Paragraph 150 (b) of the Framework. Given the proposal would change the physical nature of the land through the formation or laying out of a means of access to the highway, I concur in this case.
3. The main issue, therefore, is whether the proposed development would preserve the setting of the Grade II listed Westerham Lodge, and whether it would preserve or enhance the character or appearance of the Westerham Conservation Area.

Reasons

4. The appeal site comprises part of a linear meadow with a few scattered clusters of trees, near the edge of the former Dunsdale Estate. The western edge of the appeal site is bounded by an early 19th century retaining wall which encloses Hosey Hill to the east. The wall along Hosey Hill and a small part of the proposed entrance appear to lie within the Westerham Conservation Area as shown on the submitted designation map.
5. Whilst the conservation area covers a large part of the settlement of Westerham, the part along Hosey Hill is characterised by a '*very green approach and a steep hill passing first large, detached houses set in expansive grounds, to the more tightly grained houses as the road enters the western end*'

- of town*¹. Along the eastern edge of Hosey Hill, the street scene is characterised by long stretches of mainly un-broken walls between Westerham Lodge and High Cottage roughly to the south.
6. The long stretches of random stone walls along the eastern edge of Hosey Hill, together with the verdant appearance of the land behind the wall, forms an important distinction between the built environs of settlement on the western side to the open countryside surrounding the former Dunsdale Estate on the eastern side. The significance of this part of the conservation area derives in part from this character and features such as the random stone wall on Hosey Hill.
 7. Adjacent to the appeal site (contained within the blue site line) is the Grade II listed building Westerham Lodge. As identified within the Appellant's heritage statement, the significance of *'Westerham Lodge and associated outer garden walls derives principally from its architectural and historic interest as an ancillary building type which formed part of a larger estate and built in a consciously Picturesque style. The building is complemented by the gateway and associated boundary walling that is more rustic in character.'*² Following my site inspection, I concur with that assessment.
 8. The appeal proposal seeks the creation of a new access to Westerham Lodge from Hosey Hill, together with subsequent access driveway which is located some distance from Westerham Lodge to the south/southeast. It is unclear as to how vehicles would achieve access to any parking area. The proposal would result in the removal of a large section of the wall and given the differences of land levels between the appeal site and Hosey Hill, the removal of earth in order to create the driveway. It is intended to reuse the random stone wall material within any new retaining wall for the driveway.
 9. Nonetheless, the creation of new access to Westerham Lodge would change the orientation and approach to the listed building. The historic function of Westerham Lodge meant that it was built adjacent to driveway to Dunsdale House and on the corner of Quebec Square. Historically this would have indicated those viewing it the architectural quality of the 'grand' house beyond and the status of the occupants. The proposed new driveway to the rear of the gatehouse would weaken the legibility of its historic function and impact on the significance of the building as there no longer would be the 'sense of arrival'. This would result in harm to its setting and how the listed building is experienced.
 10. Moreover, there is a lack of detail regarding how the proposed driveway would connect to and relate to Westerham Lodge. For example, the submitted site plan shows the access driveway would terminate at the field gate at the edge of the garden with no parking area provided. However, given that the existing parking is at the front of the property it is logical to consider that vehicles would drive through the garden and past the side of the lodge. This would detract from the verdant quality of the garden, which contributes to the setting of the lodge.
 11. The insertion of the access and breaking-up of the continuity of the wall along Hosey Hill, together with the size of the opening, and the location from the

¹ *Westerham Conservation Area Appraisal and Management Plan, Planning Guidance 2015, Page 30*

² *Heritage Statement June 2020 Project Ref 06052A by HCUK Group, Page 22, Paragraph 4.10*

- dwelling it would serve, would fail to preserve the character of this part of the conservation area. It would also fail to preserve the setting of the Grade II Listed Building for similar reasons.
12. I note reference has been made in the written submissions to the Grade II listed building Little Stakes which sits on the western edge of Hosey Hill. However, beyond a change in its context, I do not find that the proposal would fail to preserve its setting.
 13. Nevertheless, the proposal would result in less than substantial harm to the Westerham Conservation Area and Westerham Lodge as designated heritage assets. Great weight should be given to the asset's conservation. Paragraph 202 of the Framework sets out that this harm should be weighed against the public benefits of the proposal.
 14. The Appellant has suggested a number of economic, social and environmental benefits they consider arise from the proposal; including the creation of jobs and environmental enhancements that could accrue from landscaping schemes. Whilst not all of these are predicated on the delivery of the appeal scheme – for example some landscaping benefits could be implemented whether or not the proposal was permitted – they nonetheless are modest public benefits in favour of the proposal.
 15. It is also clear that proposal seeks an alternative access to Westerham Lodge given the existing access is located on the junction of the B2026 (Hosey Hill) and the A25. The Appellant highlights that the existing access raises the potential for traffic collisions and accidents, and I see no reason to disagree with that position. I am reinforced in this view by the comments from the local highways authority, who do not object to the proposal in highway safety terms subject to conditions, and the representations made by interested parties who support the potential improvements the new access could provide. At the same time, this existing access, which is not considered suitable by the Appellant, would remain – as presumably would the risk associated with its use. This public benefit is therefore afforded modest weight.
 16. However, I do not find that these public benefits arising from the proposal outweigh the less than substantial harm identified. Accordingly, the proposal would be contrary to Policy EN4 of the *Sevenoaks Allocations and Development Management Plan* which, amongst other aims, seeks to only permit development where it conserves or enhances the character, appearance and setting of heritage assets. For similar reasons it would also be contrary to the aforesaid Policies of the Framework relating to conserving and enhancing the historic environment.

Conclusion

17. The proposed development would not accord with the adopted development plan and there are no material considerations indicating a decision otherwise than in accordance with it. The appeal is therefore dismissed.

C Parker

INSPECTOR