



Appeal Decision

Site visit made on 27 July 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2022

Appeal Ref: APP/G2245/W/22/3290248

Southdown House, High Street, Brasted TN16 1JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for 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 Ronald Fender against Sevenoaks District Council.
 - The application Ref 21/02556/MMA is dated 1 August 2021.
 - The application sought planning permission for the change of use and conversion of Southdown House to create a self-contained four bedroom dwelling, conversion of outbuildings to ancillary living accommodation, demolition of existing outbuildings and extensions to Southdown House and the erection of a detached four bedroom dwelling in the rear portion of the curtilage, with associated parking, landscaping and amenity without complying with a condition attached to planning permission Ref 19/02249/FUL, dated 18 August 2020.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans: RF61/03, 08B, 09C, 11, 12C, 13C, 14B, 15, 16, 17 (proposed House E Elevation), 18 and 20.*
 - The reasons given for the condition is: *For the avoidance of doubt.*
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Decision

1. The appeal is dismissed and planning permission for the change of use and conversion of Southdown House to create a self-contained four bedroom dwelling, conversion of outbuildings to ancillary living accommodation, demolition of existing outbuildings and extensions to Southdown House and the erection of a detached four bedroom dwelling in the rear portion of the curtilage, with associated parking, landscaping and amenity without complying with a condition attached to planning permission Ref 19/02249/FUL is refused.

Applications for costs

2. An application for costs was made by Mr Ronald Fender against Sevenoaks District Council. This application is the subject of a separate decision.

Procedural Matters

3. Following the refusal of the application and prior to the appeal being submitted amended plans were provided to the Council. All parties have had the opportunity to comment on them during the appeal process. Although the supporting evidence, specifically the Heritage Statement Addendum (HAS), refers to the plans as originally submitted, the alterations are minor. I am therefore satisfied the amended plans can be considered without prejudice to interested parties.

Background and Main Issue

4. The appeal site is located within the setting of Southdown House, a grade II listed building, and within the Brasted High Street Conservation Area (CA). The original scheme 19/02249FUL was granted approval by appeal (reference APP/G2245/W/20/3250443 and APP/G2245/Y/20/3250448). The principle of erecting a detached dwelling and carport to the rear of Southdown House and its impact on the heritage assets was considered acceptable, including its design and siting.
5. The proposal, by alteration of the plans condition attached to appeal 3250443, seeks to amend the approved scheme in relation to the new dwelling and carport only. The amendments would constitute a reduction of the carport, minor alterations to the form and footprint of the new dwelling, and the slight movement of both buildings within the site. The proposal also seeks to alter the elevation treatments of the new dwelling specifically in relation to the fenestration and external materials.
6. The Council raised no objection to the proposed alterations effecting the carport, nor to the footprint, size and location of the new dwelling. On the evidence presented, and my observations on site, I find no reason not to support these conclusions.
7. Therefore, the main issue is the effect that varying condition would have in relation to the fenestration and external materials of the new dwelling, on the setting of the listed building, Southdown House, and whether it would preserve or enhance the character and appearance of the CA.

Reasons

8. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, require that I pay special attention to the desirability of preserving the setting of a listed building and preserving or enhancing the character or appearance of a conservation area. Paragraph 189 of the National Planning Policy Framework (the Framework) requires that heritage assets, as irreplaceable resources, 'should be conserved in a manner appropriate to their significance' and paragraph 199 confirms 'great weight' should be given to their conservation.
9. The foregoing is similarly articulated in Policy EN4 of the Sevenoaks District Council's Allocations and Development Management Plan (ADMP) which states when a proposal affects a heritage asset, it will be permitted if it conserves or enhances the character, appearance and setting of that heritage asset.
10. Part of the significance of Southdown House, along with adjoining property Mandey, is its representation of a typical vernacular building, re-fronted in the Georgian period. It makes a positive contribution to the CA. The Brasted High Street Conservation Area Appraisal attributes the significance of the CA mainly to the fact it contains examples of most of the vernacular features that are typically found in traditional Kentish buildings, and I agree with this conclusion.
11. The proposed fenestration and materials changes would modernise the otherwise traditional design of the new dwelling. The use of larger frameless glazed units would alter the glazing to wall ratio within the new dwelling. This would create a different balance to the building, not least by the reflective nature such large areas of glazing would have when compared to the

traditional casement windows prevalent within the site and CA. The lack of parity to the surrounding buildings' glazing to wall ratio and window form would draw attention to the new building and not relate well to the form and style of Southdown House.

12. This modernity of design and awkward relationship with Southdown House, is further exacerbated by the proposed use of vertical boarding with shadow gaps. This would emphasise the verticality of the new dwelling further removing it visually from its traditional surroundings where buildings have a horizontal emphasis. Not least evidenced by the harmonious relationship between the horizontal boarding dwellings adjacent to the appeal site and the CA. The proposed new dwelling would be closely located to those dwellings and therefore the abrupt change in direction of boarding would be visually jarring.
13. The proposed introduction of a bronze entrance element does not reflect the traditional Kentish Village material palette. Due to its prominence in the front elevation, its incongruity with its surroundings would be obvious and discordant.
14. Cumulatively, the proposed changes to fenestration and materials of the new dwelling, would create a strident, utilitarian design. This would materially alter the proposed appearance of the new dwelling from one drawing on the local vernacular, sympathetic to its historic setting, to a contemporary design which would adversely conflict with the subtleties of its surroundings.
15. The dominance of these features, particularly within the elevation facing into the courtyard, would unbalance the visual hierarchy of the building. It would visually dominate, compete, and contrast with Southdown House, whose significant partly derives from it being an exemplar of the local vernacular tradition. Consequently, the proposed design would result in less than substantial harm to the setting of the listed building.
16. As the appeal site forms an important element within the CA and the proposal would not reflect or successfully complement the materials and design of the traditional Kentish buildings typical to that area, it would also result in less than substantial harm to the character and appearance of the CA.
17. The proposal would not provide any additional public benefits over and above the approved scheme and so cannot mitigate for the harm the alterations to the elevations would have.
18. The extent of the additional harm from the revised appearance would be such that in this instance, the previously acknowledged public benefits of the permitted scheme would not outweigh the less than substantial harm to both the setting of the listed building, and to the character and appearance of the CA, identified above. As such it would fail to comply with ADMP policy EN4 and paragraphs 189, 199 and 202 of the Framework.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed and planning permission refused.

RJ Redford

INSPECTOR