



Appeal Decisions

Site visit made on 12 April 2023

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2023

Appeal A Ref: APP/G2245/W/22/3303458

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 and Mr T Thacker-tahir against the decision of Sevenoaks District Council.
 - The application Ref 22/00852/HOUSE, dated 28 March 2022, was refused by notice dated 24 May 2022.
 - The development proposed is described as *erection of garage and associated works*.
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Appeal B Ref: APP/G2245/Y/22/3303459

Westerham Lodge, Quebec Square, Westerham TN16 1TD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs L Palmer and Mr T Thacker-tahir against the decision of Sevenoaks District Council.
 - The application Ref 22/00853/LBCALT, dated 28 March 2022, was refused by notice dated 20 May 2022.
 - The works proposed are described as *erection of garage and associated works*.
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Decision – Appeal A

1. The appeal is allowed and planning permission is granted for erection of garage and associated works at Westerham Lodge, Quebec Square, Westerham TN16 1TD in accordance with the terms of the application, Ref 22/00852/HOUSE, dated 28 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 3486.16A.
 - 3) Notwithstanding the information shown on the plan hereby approved, no development shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.

Decision – Appeal B

2. The appeal is allowed and listed building consent is granted for erection of garage and associated works at Westerham Lodge, Quebec Square, Westerham TN16 1TD in accordance with the terms of the application Ref 22/00853/LBCALT dated 22/00853/LBCALT, subject to the following conditions:

- 1) The works hereby permitted shall begin not later than three years from the date of this decision.
- 2) No works shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved samples.

Preliminary matters

3. The site is located within the Green Belt where Policy GB3 of the Sevenoaks Allocations and Development Management Plan (ADMP) allows for outbuildings to serve existing dwellings provided that the proposed outbuilding would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion. The Council considers that the appeal proposal complies with Policy GB3 and with advice set out in the Supplementary Planning Document *Development in the Green Belt*. The Council therefore raises no objection in relation to the Green Belt. I share the Council's conclusions on this matter.
4. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The description of the works proposed in Appeal B includes matters which seem unlikely to require listed building consent, namely the erection of a free-standing building that would not involve works to Westerham Lodge or to any other buildings or structures within its curtilage. Nevertheless, the Act provides a procedure whereby a formal determination of the need for listed building consent can be made. The appellants have sought listed building consent, which has been refused by the Council. I shall therefore determine Appeal B on the evidence before me and will not comment further on the question of whether listed building consent is required.
6. The Council did not suggest that there would be harm to the setting of any listed building other than Westerham Lodge itself. The Heritage Statement submitted with the applications assessed the potential effects of the proposal on the settings of various listed buildings in the vicinity of Quebec Square. I consider that the scope of that assessment was appropriate, and I agree with its conclusion that there would be no material effect on the settings or significance of any of these listed buildings. Their settings would therefore be preserved.

Main issues – Appeal A

7. The main issues are:
 - the effect of the proposal on the setting of Westerham Lodge, which is a Grade II Listed Building, and on the character and appearance of the Westerham Conservation Area; and
 - the effect of the proposal on the landscape character of the Area of Outstanding Natural Beauty (AONB).

Main issue – Appeal B

8. The main issue is the effect of the proposed works on the special interest of Westerham Lodge, including on its setting, and on the character and appearance of the Westerham Conservation Area.

Reasons

Appeal A - effect on the setting of Westerham Lodge and on the character and appearance of the Westerham Conservation Area

9. The listing description notes that Westerham Lodge is an early 19th century lodge cottage. The stone boundary wall and entrance gates with rusticated stone piers are separately listed. The lodge was built to serve the Dunsdale Estate. The external finishes are white-painted cement, incised to imitate ashlar, with a slate roof. The Heritage Statement notes that the design is typical of early 19th century country estates when the influence of the picturesque movement was at its height. It has architectural and historic interest as an example of an ancillary building forming part of a country estate.
10. The stone boundary wall and imposing entrance gates make a strong architectural statement, marking the entrance to the estate from the town of Westerham. The line of the former carriage drive through the appeal site is apparent, forming a gentle curve to the left on entry, bounded by a retaining wall and landscaped bank on the northern side. The house that the drive once served, and a mansion that replaced it in the mid-19th century, have long since been demolished. Nevertheless, features of the parkland, including the line of the carriage drive, remain. Even though the drive is no longer used, the ensemble of the entrance gates, drive and lodge allows the historic function of the appeal site to be readily appreciated. The relationship of these elements to each other adds to their individual significance.
11. Westerham Conservation Area covers the historic core of the settlement and includes a wealth of listed buildings of varying ages. Quebec Square is an important junction and an entry point to the town when approaching from the east. The lodge, entrance gates and walls make a positive contribution to the character and appearance of the conservation area, by adding to the range of building types and by illustrating part of the history of the settlement.
12. The design of the proposed garage incorporates stained timber doors under a hipped slate roof with a catslide to the rear. These features are intended to minimise the height and visual impact of the building. The modest scale, simple form and vernacular design would be subservient to the taller, larger and more elegantly detailed lodge. The plans indicate materials that would be muted in colour and tone. A condition could be imposed requiring samples of external materials to be submitted for approval.
13. The garage would be sited 5m from the north-east corner of the lodge at the foot of a steep bank. It would not encroach on the line of the carriage drive. In views of the lodge from the entrance gates, there would be a clear visual separation, allowing views through to the vegetated bank beyond.
14. The entrance gates face Quebec Square, at the junction of Brasted Road, which bounds the appeal site to the north-west, and Hosey Hill, which bounds the site to the south-west. There would be limited views of the proposed garage from Brasted Road due to the topography and vegetation. Although there would be

some short-range views from the footway on the opposite side of Brasted Road, the garage would be partially screened by the landscaped bank which lies between Brasted Road and the carriage drive. Views from Hosey Hill would be very restricted, due to the high boundary wall along this part of the site frontage.

15. The most important views from outside the site would be those from Quebec Square. In these views the garage would be a recessive feature, due to the design and materials discussed above. It would be partially screened by the landscaped bank within the appeal site and by the entrance wall and gate piers. Although the garage would be partially visible in the vicinity of the lodge, it would be further from the viewer, visually distinct and subordinate to the lodge building. Moreover, the character of these views is strongly influence by the wooded backdrop and steeply rising ground beyond the appeal site. Being sited at the foot of a steep bank, with the limited height and muted colours proposed, the garage would be a minor element in the street scene.
16. My overall assessment is that the proposed garage would neither compete with, nor distract from, views of the lodge. The setting of the listed building would be preserved. For the same reasons, the character and appearance of the Westerham Conservation Area would be preserved. The proposal would accord with ADMP Policy EN4 which seeks to protect the settings of heritage assets.

Effect on the Area of Outstanding Natural Beauty

17. The close relationship between the historic settlement and the undeveloped landscape around it can be appreciated in the views of the appeal site from Quebec Square described above. The lodge is seen against a backdrop of rising ground and there are views out from street level over the appeal site to open hillside and woodland. For the reasons given above, I consider that the proposal would be a minor element that would have no material impact on the character of such views. It would therefore accord with Policy SP1 of the Sevenoaks Core Strategy and with ADMP Policies EN1 and EN5 which, together, seek high quality design that responds to the character of the area, and which conserves the landscape character of the AONB.

Appeal B

18. No works to the fabric of the listed building are proposed. The Council's concerns relate to the effect of the proposal on the setting of the lodge and on the conservation area. I have concluded above that both the setting of the listed building and the character and appearance of the conservation area would be preserved. The proposal would accord with ADMP Policy EN4, insofar as it is relevant.

Conditions

19. The Council has suggested conditions which I have considered in the light of Planning Practice Guidance. For Appeal A, a condition requiring development to be in accordance with the plans is necessary in the interests of clarity and certainty. Although an indication of materials is given on the plans, final choice of tone and colour would be important to the effect on the setting of the listed building and on the conservation area. A condition requiring samples to be submitted is therefore necessary. A suggested condition removing permitted

development rights is not necessary because any works to the lodge itself would require listed building consent in any event and development within the curtilage would be limited by the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015.

20. A condition requiring samples of materials to be submitted is also necessary for Appeal B, for the same reason. However, a suggested condition requiring development to be in accordance with the plans is not necessary because listed building consent is only granted for the works shown on the approved plans. A suggested condition seeking to remove permitted development rights is not relevant to the grant of listed building consent.

Conclusion

21. For the reasons given above, I consider that the proposal would accord with the development plan. There being no considerations indicating otherwise, Appeal A should be allowed. The setting of the listed building and the character and appearance of the conservation area would be preserved, so Appeal B should also be allowed.

D Prentis

Inspector