



Appeal Decision

Site visit made on 16 May 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2023

Appeal Ref: APP/G2245/W/22/3306252

Former South Darenth Fire Station, New Road, South Darenth DA4 9AT

- 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 Alder Design & Build Ltd against the decision of Sevenoaks District Council.
 - The application Ref 21/02567/FUL, dated 2 August 2021, was refused by notice dated 29 June 2022.
 - The development proposed is described as "Redevelopment of former South Darenth Fire Station to provide a two storey building with additional accommodation in the roofspace comprising 6 x two bedroom and 2 x one bedroom apartments together with 8 car parking spaces, ancillary refuse and bike stores".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time the application was made the former Fire Station building was present on site and the description of development referred to the redevelopment of the site. At the time of my site visit the building had been demolished.
3. The application was revised during the course of its consideration. The Council made its decision against the amended plans, and I have determined the appeal on the same basis.

Main Issues

4. The main issues are:
 - i) the effect of the proposed development upon the character and appearance of the area, including the effect on the setting of the South Darenth Conservation Area (CA);
 - ii) whether the proposed development would provide acceptable living conditions for future occupiers; and
 - iii) the effect of the proposed development on the living conditions of the occupiers of existing dwellings.

Reasons

Character and appearance

5. The appeal site is a rectangular parcel of land positioned at the corner of New Road and Horton Road. New Road and the appeal site rise in an easterly direction. The townscape varies in the locality of the appeal site. Properties in the immediate vicinity along the east side of Horton Road and along New Road comprise modest, traditional, two-storey terraced or semi-detached dwellings. To the western side of Horton Road are former mill buildings of a substantial scale.
6. The proposed development would comprise a two-storey building, with accommodation in the roof space served by dormer windows. The new building would extend almost entirely across the width of the plot and include undercroft vehicular parking to serve the development.
7. The building would be positioned in a similar alignment, relative to the highway, to the adjacent dwellings on New Road and Horton Road. The development would include a hipped roof formation and would be set into the ground so that the overall height of the proposed building would be comparable to the neighbouring houses. Numerous dormers would be positioned to the south, north and west roof slopes. I note that the design incorporates a stepped front elevation and ridgeline. Nevertheless, I consider that the overall scale, bulk and mass of the proposed building, which would occupy the majority of the plot, would make it appear dominant and incongruous within the street scene. The adverse visual impact would be particularly significant when viewed from New Road and owing to the prominent corner location.
8. The undercroft parking and the cycle and refuse storage, near the corner of New Road and Horton Road, would result in a large opening to the front elevation of the proposed building. Due to the height and width of the accommodation above this wide opening the proposed development appears top-heavy and imbalanced. I consider that this element of the proposed development would break up the rhythm of the street scene. The prominent location of this element of the proposed scheme is such that it would detract from the overall visual appearance of the development and the street scene. There is limited opportunity for landscaping to soften the visual appearance of the proposed development within the streetscene, particularly from Horton Road.
9. The palette of materials proposed for the external finish of the proposed development reflects a number of buildings in the locality. Whilst the precise details of the materials could be subject to a suitably worded planning condition, this does not overcome the harm I have identified in respect of character and appearance.
10. I acknowledge that the National Design Guide states that well-designed places do not need to copy their surroundings and that increased densities in suburban locations such as this can be appropriate. However, for the reasons stated above, in this circumstance I consider that the overall scale, bulk and mass of the proposed building would be detrimental to the character of the surrounding area.

11. The appeal site lies outside of the South Darenth CA, however, the western boundary of the appeal site, fronting Horton Road, abuts it. The development site is located near the (former) Horton Kirby Paper Mill corridor, which connects the northern and southern parts of the South Darenth CA. The eastern frontages of the Paper Mill building are substantial and form a visually impermeable edge to the CA immediately adjacent to the appeal site. The grand scale of these former commercial buildings results in a stark contrast to the modest scale of residential buildings on the east side of Horton Road and this is a key component of the CA. Although there glimpsed views of the appeal site from the southern end of the CA's eastern edge, there is minimal visual or physical relationship between the site and the wider CA. As the height of the proposed building is lower than that of the former mill the proposed development would not impede any important views to or from the CA. I therefore conclude that the proposed development would have a neutral impact upon the setting of the CA.
12. My attention has been drawn to the extant planning permission for this site¹, including a copy of the approved plans, and the similarities and differences in design between that scheme and this one. I note that the scale, bulk and mass of this proposal would be significantly larger by comparison. From the evidence before me I consider that the extant permission would be less harmful in terms of impact on character and appearance of the area.
13. I note the appeal decision² referred to by the appellant. From the information before me this relates to a different description of development and the main issue related to whether a tree should be retained to safeguard character and appearance. I therefore do not consider the nature of development, the issues and context of the two sites to be comparable. In any event each proposal must be determined on its own merits, and I have considered this appeal accordingly.
14. For the above reasons, I conclude the proposed development would not have a harmful effect on the setting of the South Darenth CA. However, I find that it would result in harm to the character and appearance of the area. This would conflict with Policy SP1 of the Sevenoaks District Council Local Development Framework Core Strategy: Development Plan Document (SCS) and Policies EN1 and EN4 of the Sevenoaks District Council Allocations and Development Management Plan (ADMP). Collectively, these policies require all new development to be of high-quality design, responding to and respecting the developments and character in the surrounding area. The proposal would also be in conflict with the National Planning Policy Framework (the Framework) which seeks high quality development that is sympathetic to local character, including the surrounding built environment.

Living conditions

The living conditions of future occupiers

15. The ground floor western apartment would have several habitable room windows set within the deep undercroft. I acknowledge that these rooms would be served by other windows to the north and south elevations. Nevertheless, particularly with regards to the kitchen/dining/living room, the

¹ 19/02065/FUL

² APP/G5180/W/20/3253377

location of the windows would limit sunlight and daylight to these rooms, to the detriment of the occupiers' living conditions.

16. The windows set within the undercroft for this apartment would be directly adjacent to the proposed parking spaces. I consider that noise, disturbance and fumes associated with the car parking and vehicle movements would diminish the living conditions of the future occupiers.
17. To the south elevation of the proposed building several apartments at ground, first and second floor, have window openings where the majority of the aperture would be obscure glazed. These windows would serve habitable rooms and would be the only source of outlook and light for the rooms of the proposed apartment. I therefore consider this would result in unsatisfactory living conditions in terms of sunlight, daylight and outlook for the future occupiers of the residential units.
18. Accordingly, the proposed development would not provide acceptable living conditions for future occupiers. I find conflict with Policy EN2 of the ADMP which, amongst other things, seeks to safeguard the amenities of future occupiers. It would also be contrary to Paragraph 130 f) of the Framework which seeks a good standard of amenity for all future occupants of buildings.

Living conditions of existing occupiers

19. The Council raises concern regarding the effect of the proposed development upon the existing occupiers of nos. 43, 43A and 45 Esparto Way which are residential apartments within the former mill building directly opposite the appeal site. The east elevation of the mill building contains a number of windows which would be sited opposite the windows proposed in the west (front) façade of the proposed building. From the limited information before me it is not clear what rooms these windows serve. At my site visit I observed that the road narrows at this point, nevertheless the intervening space of the roadway in between the existing and proposed building would be such that there would not be significant levels of overlooking between the existing and proposed residential units. Accordingly, I do not consider that the proposed development would have a harmful impact upon the living conditions of the existing occupiers of the nearby Esparto Way apartments by way of loss of privacy, access to sunlight, daylight or outlook.
20. The proposed building incorporates obscure glazed windows to the southern elevation. This would protect the living conditions of the occupiers of the neighbouring Mill Cottages on Horton Road.
21. Based on the plans and evidence before me, I do not find that the proposed development would have a greater impact upon the living conditions of No. 2a New Road than the extant scheme. The Council did not include this as a reason for refusal and I have no reason to take a different view.
22. I am satisfied that the proposed development would not have a harmful impact upon the living conditions of the occupiers of existing residential properties. As such the proposal accords with Policy EN2 of the ADMP which, amongst other things, seeks to safeguard the amenities of existing occupiers. It would also comply with Paragraph 130 f) of the Framework which seeks a good standard of amenity for existing occupants of buildings.

Other Matters

23. I note that the proposed apartments would comply with the Nationally Described Space Standards. I also note the credentials of the proposed development in terms of energy rating, water use, together with other sustainable construction practices and features. However, these factors carry no more than limited weight in favour of the development.
24. If I were to allow the appeal, conditions would secure appropriate parking, drainage and a programme of archaeological work. However, this does not outweigh the harm I have identified.
25. I note the evolution of the proposal from a previously refused scheme. However, I have considered the appeal proposal on its own merits based on the evidence before me.

Planning Balance

26. The Council cannot demonstrate a deliverable housing land supply. Its current published position of 2.9 years represents an acute shortfall and is not contested by the parties. In circumstances such as this paragraph 11 d) of the Framework states the most important policies for determining the application should be considered out-of-date. The re-development of this previously developed site would make efficient use of the site, making a positive contribution towards the supply of housing. I also acknowledge that the Framework is supportive of small and medium sized sites, such as this site, which can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services through additional consumer spending. Whilst these elements weigh in favour of the proposal, given the scale of the development proposed, these benefits are fairly modest.
27. Further to the above I am satisfied that having undertaken a balancing exercise in accordance with paragraph 11 d ii) of the Framework that the harm to the character and appearance of the surrounding area and the living conditions of the future occupiers of the apartments would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

Conclusion

28. I have found conflict with the development plan taken as a whole. There are no other considerations, including the Framework, that outweigh this conflict. For the reasons given above, I conclude that the appeal should be dismissed.

R. Gee

INSPECTOR