



Appeal Decision

Site visit made on 25 July 2023

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/U2235/W/22/3303912

Harrietsham Primary School and School House, Ashford Road, Harrietsham, Kent ME17 1AJ

- 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 Mohammed Khalleeque against the decision of Maidstone Borough Council.
- The application Ref 22/501407/FULL, dated 15 March 2022, was refused by notice dated 7 June 2022.
- The development proposed is described on the planning application form as 'Single storey extension with additional rooflights and addition of a West facing dormer with obscure window to as Change of use to the existing School House to provide 2 No. 3-bedroom dwellings and a new 4-bedroomed detached double storey residential dwelling with double garage. Widened opening to existing vehicle entrance in Church Road and new landscaped access roads, gardens and perimeter walls.'

Decision

1. The appeal is allowed and planning permission is granted for a single storey extension with additional rooflights and addition of a west facing dormer with obscure window, change of use of the existing School House to provide 2 No. 3-bedroom dwellings and a new 4-bedroomed detached double storey residential dwelling with double garage, widened opening to existing vehicle entrance in Church Road and new landscaped access roads, gardens and perimeter walls at Harrietsham Primary School and School House, Ashford Road, Harrietsham, Kent, ME17 1AJ in accordance with the terms of the application, Ref 22/501407/FULL, dated 15 March 2022 subject to the conditions in the attached schedule.

Preliminary Matter

2. The second and third reasons for refusal included on the Council's decision notice refer to the absence of sufficient information in respect of trees and transport, respectively. The appellant has submitted additional information with the appeal. This includes an updated arboricultural report¹ and a transport Technical Note² (including a plan³ showing access visibility splays). I have accepted this additional information as it does not materially alter the scheme as consulted on and refused permission by the Council. Upon receipt of the additional information the Council has confirmed that, subject to planning conditions, it no longer intends to defend these reasons for refusal. I have considered this appeal on that basis.

¹ Reference: GRS/TS/TCP/AIP/TPP/AIA/19/21 dated July 2022

² Produced by Paul Mew Associates and dated June 2022

³ Reference: P2705/SA/2

3. I note the planning history of the appeal site and have taken this into account. However, the detail of the current proposal differs and every case should be determined on its own merits.

Main Issues

4. The main issue is the effect of the proposed development on the character and appearance of the area and in particular, its effect on a non-designated heritage asset (NDHA).

Reasons

5. The appeal site comprises a former schoolhouse, as well as more modern, single storey, flat roofed outbuildings. The site is predominantly hard landscaped and includes various trees which are the subject of Tree Preservation Orders. It is common ground between the main parties that the schoolhouse is a NDHA. The evidence also indicates that there have been two requests to Historic England to consider listing the building, however, neither were successful.
6. Local Plan Policy DM4 seeks to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting. Furthermore, Framework paragraph 203 outlines that the effect of a proposal on the significance of a NDHA should be taken into account in determining the application. It also states that in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
7. The schoolhouse primarily derives its significance from the relatively well-preserved form of its historic architectural character, comprising a tudor-style and incorporating local building materials. The evidence indicates that the building was constructed in 1844 as a purpose-built school. The building's location, on the corner of Church Road and Ashford Road, heightens its significance given that it is relatively prominent within the local streetscape.
8. Despite its status as a NDHA and its significance in this regard, the building is currently in a poor state of repair, as evidenced by observations made during my site visit. The main building is formed of three classrooms and two small lobbies. The pitched roof of one of the lobbies has collapsed. The evidence indicates that the building has been redundant since 2006. Indeed, this is clear to see, with the setting comprising of overgrown and untidy grounds, degraded hard surfacing and tall wire fencing. In addition, there are several other buildings within the grounds of the schoolhouse. These are typically single-storey and many comprise of more modern materials with flat roofs. These features all currently result in harm to the significance of the NDHA.
9. The proposed development involves the conversion of the existing schoolhouse to two three-bedroom dwellings. The majority of the built form of the schoolhouse would be retained and restored, with the north facing lobby roof replaced with one which would comprise a similar appearance. The existing lobby on the western elevation would be replaced with a flat roof extension. However, the existing lobby is only visible in fleeting views from Ashford Road and does not contribute a great deal to the overall significance of the building.

10. Whilst the flat roof extension would not enhance the significance of the building, it would have a neutral impact given its small scale and the fact that it would not be prominent within the street scene. Indeed, views of the building from the west and south would be very limited given the intervening buildings, boundary treatments and planting combined with the small single-storey scale of the extension.
11. The flat roof extension would involve some adjustment and loss of the existing window surrounds. However, these are a small aspect of the existing schoolhouse and their modification would not have any discernible impact upon the significance of the NDHA.
12. Furthermore, all of the existing outbuildings would be demolished, many of which comprise flat roofs and are not of sympathetic designs. The proposal includes the erection of a two-storey detached dwelling. This would be of a relatively traditional appearance which is far more in keeping with the existing schoolhouse. A large detached double garage would also be erected to the north of the site. However, given the existing screening afforded by trees (some of which are the subject of Tree Preservation Orders) this aspect of the proposal would not be readily apparent when viewed from the surrounding area and it would not harm the setting of the schoolhouse. Indeed, the proposed development would greatly enhance the setting of the schoolhouse. This is because at present the setting comprises of features which predominantly have a harmful impact. These features would be removed and replaced and in this regard the proposal provides a significant opportunity to increase the prominence of the schoolhouse within the street-scene.
13. The proposed conversion includes the installation of an additional floor. However, this would not harm the significance of the building, given that this is primarily derived from the external architectural features, viewed from the exterior. There is no substantive evidence to indicate that the installation of an additional floor would harm the existing structure of the building.
14. The proposed conversion would also incorporate various rooflights and a dormer window. These would predominantly be located within the west facing roof slope. Given this orientation (away from the surrounding public thoroughfares) and their relatively small size, these aspects of the proposal would only result in a small degree of harm. Those proposed on other roof-slopes would be more visible from the surrounding area, however, again, their small size limits the harm which would arise. However, this would be more than offset by the re-instatement of other parts of the existing building.
15. The proposal includes the replacement and insertion of boundary treatments. The Council is broadly positive about the effect of these. However, there is insufficient detail provided to enable me to ascertain exactly which boundary treatments are proposed in which location and no specific details have been provided to indicate the treatment between the gardens and elsewhere within the appeal site. As such, given the need to preserve the setting of the NDHA, a condition would be necessary to require these details to be submitted and implemented prior to occupation of the proposed units.
16. Overall, the majority of the existing schoolhouse building would be retained. Indeed, the development would largely retain the footprint, scale, building materials and general appearance of the building. The existing buildings surrounding the schoolhouse would be removed, which would result in the

significant enhancement of the setting of the building. The flat roof, rooflights and dormer window would not be features which would enhance the significance of the building. However, any harm arising in this regard would be more than offset through restoration of other parts of the building and a huge improvement to the building's wider setting. Overall, the proposal would not result in any harm to the significance of the NDHA and it would not be harmful to the character and appearance of the surrounding area for the same reasons.

17. The proposed development would therefore comply with Local Plan Policies DM1 and DM4, which together require new development to provide high-quality design which responds to local heritage and incorporates measures to conserve, and where possible enhance, the significance of NDHAs.
18. There would be significant social and economic benefits as a result of the addition of three dwellings to the housing stock. These benefits would be consistent with the Government's emphasis on significantly boosting the supply of housing, as enshrined within the Framework. Given the absence of harm to the NDHA these benefits only weigh further in favour of granting planning permission. The proposed development would therefore comply with Framework Paragraph 203, which requires a balanced judgement, having regard to the significance of the heritage asset.
19. Whilst not referred to in the reasons for refusal, the Council's statement of case makes reference to the guidance contained within the Residential Extensions SPD. This document is a material consideration. The proposal would conflict with elements of the guidance contained within it. The guidance outlines that 'Where an extension is acceptable, the roof should match the roof of the original house in style in order to complement the existing building and the character of the area'. Clearly the existing building does not comprise a 'house' within the meaning expressed in the guidance. Nonetheless, the guidance is relevant to extensions of non-residential buildings if the proposal relates to a residential use.
20. Despite this conflict, the SPD does not allow for a balanced view to be taken of the overall harm and benefits of the proposal. Indeed, in this case, whilst I have found that there would be some harm, I have ultimately concluded that there would be no harm overall, as a result of the beneficial aspects of the proposal. As such, I do not attribute any significant weight to the conflict with the SPD and it does not indicate that a decision should be made other than in accordance with the development plan.

Conditions

21. The Council's statement of case includes a list of suggested conditions. I have considered these conditions with regard to the advice contained in the Planning Practice Guidance and the tests within the Framework. As a result, I have amended some of the conditions so that they are enforceable, precise, relevant, necessary and reasonable in all other respects.
22. Conditions relating to timeliness [1] and the identification of plans [2] are necessary to provide certainty. Whilst one elevation of the proposed garage is shown on the plan titled 'existing and proposed elevations locations and proposed site plan' dated February 2022' the building height illustrated is not the same as that shown on the subsequent plan dated April 2022 and titled 'boundary details and detached garage dimensions'. As such, I have made clear

that the former is not approved, the latter more recently submitted plan therefore takes precedence.

23. In the interests of character and appearance and preserving the NDHA and its setting, conditions pertaining to tree protection [3], building materials [4], hard and soft landscaping [5], secure cycle and bin storage [6] and removal of permitted development rights [7] are necessary. An additional condition pertaining to precise details of the proposed boundary treatments [8] is also necessary for the same reasons.
24. A condition requiring details of ground levels to be approved has not been sufficiently justified. Particularly given that two of the three proposed dwellings relate to the conversion of an existing building.
25. Conditions pertaining to lighting, biodiversity enhancement and renewable/low-carbon energy are necessary in the interest of biodiversity and the natural environment respectively. The condition requiring approval of biodiversity enhancement measures is required because those listed in the appellant's ecology report are listed on the basis that they provide a 'palette' of options (they are therefore not definitive).

Conclusion

26. The proposed development accords with the development plan taken as a whole. There are no material considerations raised which are of sufficient weight to warrant a decision other than in accordance with it. As such, the appeal is allowed.

Luke Simpson

INSPECTOR

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, with the exception of the garage elevation shown on the 'existing and proposed elevations locations and proposed site plan' dated February 2022:
Existing and proposed elevations, locations and proposed site plan (HAR/1 Rev B), Boundary details and detached garage dimensions (dated 4 April 2022), Existing and proposed floor plans (HAR/2), Existing Block Plan, Arboricultural Report (GRS Arboricultural Consultant: Appellant's Statement - Appendix B), Road Traffic Report (Paul Mew Associates: Appellant's Statement - Appendix C).
- 3) Construction and demolition shall only take place in accordance with the working methodology and tree protection set out in the Arboricultural Report (GRS Arboricultural Consultant: Appellant's Statement - Appendix B). The tree protection shall be in accordance with BS 5837 and maintained until all construction equipment, machinery and any surplus materials have been removed from the site. All trees to be retained must be protected by barriers and/or ground protection. No construction/demolition equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas.
- 4) No development above slab level shall take place until details (manufacturer name, product name, and photographs) of the external facing materials to be used for the building hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials and maintained as such thereafter.
- 5) No development above slab level shall take place (including demolition) until details of both hard and soft landscape works, a timetable for their implementation and a management plan have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out and retained in accordance with the approved details. Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species.
- 6) Prior to first occupation of any dwelling hereby approved, details of secure bin and cycle storage, including plans showing their design, shall be submitted to and approved in writing by the local planning authority. The storage shall be implemented in accordance with the approved details prior to first occupation of the dwellings hereby approved and shall be retained as such thereafter.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, AA, B, C, D, E and F to that Order shall be carried out to the new dwelling hereby approved without first obtaining the permission of the Local Planning Authority.
- 8) Prior to first occupation of the dwellings hereby approved, precise details of the exact location and specification of proposed boundary treatments (including those approved under plan reference HAR/2 'Boundary Details and Detached Garage Dimensions') shall be submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be implemented in accordance with the approved details prior to first occupation of the dwellings hereby approved and shall be retained as such thereafter.
- 9) Prior to the installation of any external lighting, details of the proposed lighting shall be submitted to and approved in writing by the local planning authority.
- 10) No development above slab level shall take place until a scheme for biodiversity enhancement measures, including a timetable for implementation of the measures, has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details and timetable and thereafter shall be retained as such.
- 11) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the approved dwelling and maintained thereafter.