



Appeal Decision

Site visit made on 12 September 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023

Appeal Ref: APP/G2245/W/23/3316684

150 High Street, Sevenoaks, Kent TN13 1XE

- 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 Jonathan Bateman of Yellow Tree Capital against the decision of Sevenoaks District Council.
 - The application Ref 22/01849/FUL, dated 30 June 2022, was refused by notice dated 7 September 2022.
 - The development proposed is refurbishment of existing building, conversion of first and second floor to residential, demolition of rear extension with replacement new build residential extension with ancillary refuse and cycle store, additional storey for residential use.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. A daylight and sunlight assessment has been submitted with the appellant's evidence that was not before the Council at the time that they made their decision. This does not result in any changes to the appeal scheme, but provides further information. The Council has also made comments on this document in its representations. Therefore I am satisfied that it has had the opportunity to respond to the content of these drawings. For the reasons above, the parties would not be prejudiced if I were to consider the daylight and sunlight assessment, and therefore the appeal is decided on this basis.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the Sevenoaks High Street Conservation Area (CA), and on the living conditions of neighbouring occupiers with particular regard to outlook, light and overbearing to 148 High Street.

Reasons

Sevenoaks High Street Conservation Area

4. The CA derives its significance as a whole from being the historic focus of the town and including the central fountain and historic buildings and routes. The appeal site is on the northern edge of the CA within the Commercial Character Area set out in the Sevenoaks High Street Conservation Area Appraisal and Management Plan (CAAMP). In this area ground floor commercial units are common. The CAAMP summarises that the special historic character of the whole [character] area is created by the overall impact of the number and variety of buildings both listed and unlisted. Subtle variations in height, roof

pitch, age and style in a limited palate of colours and narrow range of materials combine to give a harmonious character. Whilst there are a limited number of examples of the use of zinc cladding within the CA¹, this is uncommon. Generally buildings are 2-3 storeys in height, aside from a single example within the CA of a consented 4-6 storey development at 136 High Street. As such buildings of this height are not so prevalent as to form an overriding part of the character and appearance of the area.

5. 150 High Street is a three storey brick building with a low pitched roof with commercial use at ground floor and residential above. It adjoins the large three storey, brick, terrace with low pitched roofs at the north eastern end of the High Street. The CAAMP states that this forms a gateway building where...the overall character of the structure remains. The host property's three storey height and scale, consistent with the adjoining terrace, traditional materials and appearance therefore make a positive contribution to the character and appearance of the CA. The rear of the building is not as detailed as the front, however its secondary nature relative to the more important front elevation makes a positive contribution to the building and the wider CA in this regard.
6. 150 High Street is highly visible due to its position adjacent to the crossroads between High Street, Pembroke Road and Suffolk Way where it is seen in the context of the adjacent three storey terrace and the wider CA along the High Street. Although there are modern buildings along Pembroke Road and Suffolk Way the road forms clear separation between these buildings and the CA, including 150 High Street. As such the positive features of the host building are important in views of the CA.
7. The proposed development would result in a substantial extension to the rear part of the plot, which would be taller than the existing ridge of the roof. The proposed ground-second floors would be mainly in brick, although the proposed third floor would extend above this parapet, partly vertically and partly as a pitched roof and would be clad in zinc.
8. The proposed third floor would be noticeably taller than the existing building and the contrasting material would emphasise this feature. Whilst it would not alter the physical features of the frontage building, it would nevertheless result in the extended rear portion of the site being dominant and disproportionate relative to the original building and its frontage. It would undermine the prominence of the front elevation and would unacceptably erode the secondary nature of the rear elevation. This would therefore harm the appearance and scale of 150 High Street which would result in an unacceptable effect on these important features of the CA, and would therefore not preserve or enhance its character or appearance.
9. Due to the position and visibility of the proposed development, the resultant disproportionate and incongruous building, and the harm to the positive features of the host building and the CA would be readily apparent. This remains the case even though the extension would not be visible from within the CA or in the key views identified in the CAAMP nor from longer views along these roads.
10. There is an extant planning permission for a similar scheme. The main changes proposed as part of the scheme before me now are the inclusion of the third

¹ Old Coffee House Yard, Waitrose, Akehurst Lane and proposed development at 136 High Street

floor. It can be seen above that it is this element that would be harmful. Therefore, the implementation of the extant permission would be less harmful than the scheme before me now and, as such, does not justify the development proposed.

11. The proposed development would therefore be unacceptably harmful to the character and appearance of the CA. This would be contrary to Policies SP1 of the Sevenoaks Core Strategy (2011) (the CS), EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan (2015) (ADMP). Together, these require and set criteria for high quality design, including that development should respond to the scale and height of the area and respect the character of the site and surrounding area, and the protection and enhancement of conservation areas.

Living Conditions

12. There are flats to the first and second floors of the adjoining property. The daylight and sunlight assessment demonstrates that the first floor kitchen window would receive a reduction in light below the BRE standards, although all other windows would pass. The kitchen window would achieve 26.2% Vertical Sky Component (VSC), a 0.79 reduction from its former value, against the standards of 27% VSC, and a 0.8 reduction from its former value. It would also achieve a reduction of 0.78 daylight distribution, against the BRE standard of a 0.8 reduction.
13. These failures against the guidance are marginal, and I am mindful that this guidance must be interpreted flexibly. Furthermore, in this case the effects are limited to a single window. Therefore although the effects would be noticeable to this one window, due to the limited changes, the proposed development would not result in unacceptable harm to living conditions in this regard.
14. The outlook from the residential windows at 148 High Street is mainly to the rear. Whilst the proposed addition would be visible in peripheral views, the existing main outlook to the rear would not alter. As such the development would not result in a harmful effect on the outlook from these rooms. Consequently, and for these reasons, the proposed development would also not be overbearing to these neighbouring occupiers.
15. Therefore the proposed development would have an acceptable effect on neighbouring living conditions. Consequently, it would be in accordance with policy EN2 of the ADMP which requires that proposals should safeguard the amenities of existing occupants of nearby properties, amongst other things.

Other Matters

16. The proposed development would create seven new dwellings along with the social and economic benefits associated with such provision. However, planning permission has been granted at this site for 6 flats². Consequently, it would be possible to achieve the benefits associated with the provision of 6 units without the harm to the CA identified here. Consequently, and taking into account the scale of the development the public benefits of the proposed development would be modest.

² 21/00644/FUL

Heritage Balance

17. The National Planning Policy Framework (2023) (the Framework) advises that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification. In terms of the Framework the harm to the CA would be less than substantial. Nevertheless, this is a matter of considerable weight and importance. Paragraph 202 of the Framework requires me to weigh this harm against the public benefits of the scheme.
18. For the reasons set out above, the public benefits of the proposed development would be modest. On the other hand, having regard to my statutory duty I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. I attribute considerable importance and weight to the harm identified. Accordingly, taking all the above into account, the modest public benefits would not outweigh the unacceptable harm I have found to the CA.

Conclusion

19. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR