



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: 21 September 2023

Appeal Ref: APP/G2245/W/23/3315536

1-1A Chipstead Lane, Riverhead, Kent TN13 2AH

- 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 Ms Samantha Evans against the decision of Sevenoaks District Council.
- The application Ref 22/02060/FUL, dated 15 July 2022, was refused by notice dated 9 November 2022.
- The development proposed is demolition of existing single-storey commercial premises and construction of a new two-storey building. Commercial ground floor and residential first floor.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would preserve or enhance the character or appearance of the Riverhead Conservation Area (CA), and the effect of the proposed development on highway safety.

Reasons

Character and Appearance

3. Riverhead Conservation Area derives its significance as a whole from its historic layout and buildings which reflect the evolution of the centre of Riverhead. The Riverhead Conservation Area Appraisal and Management Plan (2010) (RCAAMP) describes Chipstead Lane as being an 'oasis of calm' with a mix of small scale residential buildings in a variety of vernacular styles, with good quality details. Roof lines are varied, albeit their forms are traditional. The appeal site is visible in the view identified in the RCAAMP from The Square along Chipstead Lane. 1-1a Chipstead Lane is also situated within the important grouping of buildings around The Square, some of which are listed. These buildings make a positive contribution due to their traditional appearance, design and materials in a prominent position around this important junction.
4. The appeal site is a small single storey commercial building located between the two storey side elevation of 9 The Square and the residential property at 3 Chipstead Lane. The plot is modest and the building extends close to the boundaries of the site. Its appearance does not reflect the positive characteristics of Chipstead Lane or the wider CA as described above. However, it appears secondary to the more traditional buildings, including the listed building at Cade House, that surround it, and this is a positive feature of the

existing building. Albeit, overall, the existing building does not have a positive effect on the character and appearance of the CA.

5. The development proposes a replacement two storey building with a commercial unit at ground floor and residential flat above. The roof line forms an L shape with one gable end facing Chipstead Lane, whilst the other would be at an angle, partly aligned with the proposed frontage, but partly aligned with the frontage of no. 3. It also includes a flat roofed element along the building frontage.
6. The proposed roof form results in a complicated and asymmetric roofline which would be at odds with the traditional roof forms in this part of the CA. The proposed building would be in a prominent position directly adjacent to the road and readily visible in the important view from The Square along Chipstead Lane and as such this incongruous feature would be clearly evident. Whilst the set back to the first floor would reduce the massing at this level, nevertheless, for the reasons set out, the resultant building would be visually jarring and highly conspicuous.
7. The proposed development would partially obscure the brickwork detail to the side elevation of 9 The Square. However the front portion would remain visible. Furthermore the overall height of the proposed building would be lower than No. 9. As such it would appear subservient to this property. Consequently the relationship between these buildings would not be unacceptable. The proposed materials would also be appropriate to the character and appearance of the area and the proposed development would not change features of the wider area such as highway alignment and thoroughfares or the footprint of the appeal site. However, the lack of harm in these regards are neutral factors that do not weigh in favour of the proposed development.
8. There are a number of listed buildings close to the appeal site. However, there is no detailed evidence before me that the proposed development would have a harmful effect on their settings and I have no reason to conclude otherwise.
9. The proposed development would therefore be unacceptably harmful to the character and appearance of the CA. This would be contrary to Policy EN4 of Allocations and Development Management Plan (2015) (ADMP) which requires that proposals affecting a heritage asset must conserve or enhance the character and appearance of the asset, amongst other things.

Highway Safety.

10. Policy T2 of the ADMP generally requires the provision of parking in line with Kent County Council standards. In this case there is a requirement for one car parking space for the residential flat. The proposed development does not include any off street parking. Nor does it propose any cycle parking or any other mechanism to encourage sustainable modes of transport.
11. Chipstead Lane is narrow and although it is not a controlled parking zone there is very limited available space for parking and the Council identifies that it suffers from parking stress. There also appear to be very few options in the nearby area for long term car parking. In the absence of detailed evidence to the contrary I am not satisfied that there would be suitable or easily accessible car parking for future occupiers. As such even the addition of a single car is

likely to lead to unsuitable or unsafe parking in this location, with the potential for danger to vehicles and pedestrians.

12. As such the proposed development would be unacceptably harmful to highway safety. Consequently, it would be contrary to Policy T2 of the ADMP, the aims of which are set out above.

Heritage Balance

13. The National Planning Policy Framework (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.
14. The proposed development would create one new dwelling along with the social and economic benefits associated with such provision. It would also create a replacement, more modern, commercial space which would continue the economic use of the site. However, taking into account the scale of the development and that there is an existing commercial use on site, the public benefits of the proposed development would be limited.
15. 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 CA. I attribute considerable importance and weight to the harm identified. Accordingly, taking all the above into account, the limited public benefits would not outweigh the unacceptable harm to the CA.

Planning Balance

16. The Council cannot demonstrate a 5 year supply of deliverable housing sites, and it states that there is a 2.9 year supply. Therefore paragraph 11(d) of the Framework is engaged. However, as set out above, the application of policies relating to designated heritage assets (in this case, the CA) provides a clear reason for refusing the development proposed. Consequently, the presumption in favour of sustainable development does not apply in this case.
17. The proposal would also be harmful to highway safety, increasing danger to vehicles and pedestrians. The limited public benefits would not outweigh this unacceptable harm.

Conclusion

18. 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 the appeal should be dismissed.

H Miles

INSPECTOR