



Appeal Decision

Site visit made on 4 September 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2023

Appeal Ref: APP/G2245/W/23/3314396

114 High Street, Sevenoaks, Kent TN13 1UZ

- 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 Keith Dann of Shoetec against the decision of Sevenoaks District Council.
 - The application Ref 22/01946/FUL, dated 14 July 2022, was refused by notice dated 15 November 2022.
 - The development proposed is the change of use to make former 1st floor offices into a domestic apartment. Retain Ground Floor as a shop unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The physical works to convert the first floor, including the replacement of a bay window on the High Street elevation, have already been carried out. However, the residential use has not yet commenced at the site, and I have proceeded with the appeal on this basis.
3. A revised National Planning Policy Framework (the Framework) was published on 5 September 2023. The amendments to the Framework do not have any bearing on the matters in dispute in this appeal.

Main Issues

4. The main issues are:
 - whether the proposal preserves or enhances the character or appearance of the Sevenoaks High Street Conservation Area; and
 - whether suitable living conditions would be provided for future occupants of the development with regard to outlook and natural light.

Reasons

Conservation Area

5. The appeal site lies within the Sevenoaks High Street Conservation Area (the CA), which covers a large proportion of the town centre. The site comprises part of row of buildings fronting the street with the ground floors primarily in commercial use. The locality has a commercial character with a mixture of modern and historic buildings. The site is in a prominent position almost opposite Bank Street and close to the Old Market House, a notable building within the locality.

6. There is a variety in the style and material finish of windows in the locality of site, including timber, metal and UPVC. The front elevation of the appeal building, facing the High Street, includes a first-floor bay window with a leaded canopy over a cornice. Whilst bay windows are not uncommon, the style of bay with a cornice and canopy above the window is unusual, particularly as the former window had mirrored the bay window at No 116 High Street (No 116).
7. The scheme includes the replacement of the former timber bay window, which was stated to have been in a poor condition and beyond repair, with a UPVC bay window. The loss of the timber window is regrettable as the style and material finish matched that of the neighbouring window. Whilst not a key element of the CA and not within a building identified as a heritage asset in its own right, the former window would have contributed positively to the significance of this part of the CA, particularly in combination with the neighbouring window at No 116.
8. Although the replacement UPVC window has sought to mimic the former timber window's style, the thicker frame, particularly surrounding the opening elements, and the glazing bars set between the panes of glass emphasise the effect of the change in material. Notwithstanding its white coloration, the new window jars with the traditional character of the neighbouring window at No 116, unbalancing the pair. The existence of other UPVC windows in the general locality has eroded the character and quality of the CA but this does not justify further developments of this nature.
9. In such a prominent location close to Old Market House, a notable building of the CA, the replacement window has led to less than substantial harm to the significance of the designated heritage asset. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the scheme. The development would use vacant floor space within an existing building to deliver a single dwelling and whilst this would assist in boosting the supply of housing, the provision of one dwelling is of only limited public benefit and would not outweigh the harm identified.
10. I conclude that the scheme fails to preserve or enhance the character or appearance of the CA and it therefore conflicts with policy EN4 of the Allocations and Development Management Plan (the ADMP) and the Framework.

Living conditions

11. The two bedrooms for the proposed dwelling are located internally within the building with no windows to provide an external outlook. Although the living room and kitchen have windows, the lack of any outlook from the bedrooms results in a poor standard of accommodation.
12. Sun tunnels have been installed in the bedrooms to provide natural light. At the time of my visit, which was in a bright day, the rooms were lit to a reasonable level, but I am mindful that the light may be reduced in duller conditions. However, the appellant has offered to install additional sun tunnels in both bedrooms and this amendment, which could be secured by planning condition, would provide acceptable lighting conditions for future occupiers.

13. Notwithstanding this finding, I conclude that the appeal scheme would fail to provide suitable outlook for future occupants of the dwelling. Therefore, the proposal conflicts with policies EN1 and EN2 of the ADMP and policy SP1 of the Sevenoaks Core Strategy (2011), which seek to ensure that future occupants are provided with adequate residential amenities.

Other Matters

14. I have taken account of the fact that the appellant sought pre-application advice. However, I note that the advice recommended a like-for-like replacement timber window.
15. I have also been referred to several other developments for changes of use to residential dwellings. I note that the Council does not have an objection to the principle of the change of use to residential. However, I have found the design of the window and the living conditions of future occupants to be unacceptable.

Planning Balance and Conclusion

16. The Council cannot currently demonstrate a five year supply of housing land that the Framework requires. Paragraph 11 of the Framework explains that in these circumstances planning permission should be granted unless the application of policies in the Framework that protect areas of particular importance provides a clear reason for refusing the development proposed. Footnote 7 of the Framework details that this includes policies relating to designated heritage assets.
17. Given that the development has a harmful effect on the Sevenoaks High Street Conservation Area, the application of the policies in the Framework provide a clear reason for refusing planning permission for the development. When considered as a whole, the development does not conform with the presumption in favour of sustainable development outlined in paragraph 11 of the Framework.
18. The replacement window fails to preserve or enhance the character or appearance of the Sevenoaks High Street Conservation Area and furthermore the dwelling would provide poor living conditions for its occupants. This brings the scheme into conflict with the development plan as a whole and there are no other considerations, which would outweigh the harm that I have found.
19. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR