



Appeal Decision

Site visit made on 20 September 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2023

Appeal Ref: APP/G2245/D/22/3308941

The Old Bakehouse, Six Bells Lane, Sevenoaks, Kent TN13 1JE

- 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 Saleem Ali against the decision of Sevenoaks District Council.
 - The application Ref 22/00893/HOUSE, dated 31 March 2022, was refused by notice dated 22 July 2022.
 - The development proposed is conversion of disused outbuildings (washroom and outdoor WC) and an enclosed courtyard into a one bedroom annexe.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of disused outbuildings (washroom and outdoor WC) and an enclosed courtyard into a one bedroom annexe at The Old Bakehouse, Six Bells Lane, Sevenoaks, Kent TN13 1JE in accordance with the terms of the application Ref 22/00893/HOUSE, dated 8 April 2022, subject to the conditions appended to this decision.

Applications for costs

2. An application for costs was made by the Appellant against Sevenoaks District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The proposed development relates to the setting of a listed building and lies within a conservation area. Accordingly, I have had special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it may possess, as required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area under Section 72(1) of the Act.
4. Paragraph 41 of the officer report states that the outbuildings have not been identified as curtilage listed or locally listed buildings. I have no other evidence to dispute this and therefore accept those findings.

Main Issue

5. The main issue is whether the proposal would preserve the setting of the Grade II listed building, 8 Six Bells Lane, and the extent to which the development would preserve or enhance the character or appearance of the Sevenoaks High Street Conservation Area.

Reasons

Special interest and significance

Listed building

6. 8 Six Bells Lane is positioned next to the appeal site. It is a Grade II listed building¹ dating from the eighteenth century and is finished in red brick with blue headers with a ridge tile roof over.
7. Based on the evidence before me, the special interest and significance of the listed building is largely derived from its architectural and historic interest. Important contributors in these regards are its illustration as a vernacular and picturesque domestic property and the use of traditional building techniques and materials.
8. Pertinent to the appeal, in relation to the settings of listed buildings and the contribution they make to the special interest and significance of assets, I have had regard to the definition of setting within the National Planning Policy Framework (the Framework).
9. The closely associated buildings, alleyways and yards that surround the listed building have an historic and visual connection with the heritage asset, forming a tightly packed cluster of largely domestic cottages around a central cobbled space. These buildings and spaces, taken together, form the immediate setting of the listed building. It is from the open spaces that the asset is best appreciated. This immediate setting contributes to the asset's special interest and significance.

Conservation Area

10. The appeal property is also located within the Sevenoaks High Street Conservation Area (the CA).
11. The special interest and significance of the CA is largely derived from the preservation of its historic and picturesque townscape, with the narrow central roads of High Street and London Road abutted by a core of residential and commercial properties. Consistent building materials of brick, render and timber dominate the CA. The outbuilding, as a modest brick structure amongst a tightly packed townscape, makes a neutral contribution to the character and appearance of the CA and thereby to its significance as a designated heritage asset.

Appeal proposal and effects

Listed building

12. The proposal includes the conversion of the outbuilding and associated courtyard to provide a one-bedroom annex. This would include the incorporation of a roof covering over the existing structure together with the demolition of some existing sections of wall (both internal and external) and the part infilling of the existing doorway to the courtyard.
13. There is no doubt that the proposal would change the appearance of the site. Nevertheless, due to its relatively discreet position and the nature and extent

¹ List Entry Number: 1085964

of the alterations proposed, the functionally separate relationship between the appeal site and listed building would be maintained and the asset's historic and architectural interest unaffected. The ability to appreciate the listed building from within its immediate setting, that contributes to the asset's significance, would remain undisturbed by the proposed scheme.

14. I am mindful of the previous Inspector's report for a similar scheme at the site. I am of the same opinion as them in that the separate nature of the roof elements under this scheme would maintain the small-scale of the existing structures and those surrounding the site. The overall expanse of the roof covering would not appear overly large. Taken as a whole, the proposal would ensure that the modest and subservient nature of the outbuilding would remain intact.
15. There would be no loss of historic fabric to the nearby listed building as a result of the proposed development. From that perspective, the development would not have any tangible effect on the attributes that underlie the special interest and significance of 8 Six Bells Lane. Moreover, in respect of the appeal structure, I am satisfied that a suitably worded condition would be appropriate to control the making good of the area to be blocked up and the proposed external materials.
16. Taking these factors into account, the proposed development would not compromise the setting of the Grade II listed building, 8 Six Bells Lane, rather it would have a neutral effect that would not detrimentally alter how the asset would be experienced and would not adversely affect the ability to appreciate its significance. Consequently, the setting of the listed building and the contribution that it makes to the asset's significance would be preserved.
17. Overall, I conclude that the proposed development would preserve the setting of the Grade II listed building, 8 Six Bells Lane. Consequently, it would not harm the significance of the designated heritage asset. In doing so, it would satisfy the requirements of Section 66(1) of the Act. The proposal would also accord with the relevant provisions of Policies EN1 and EN4 of the Sevenoaks Allocations and Development Management Plan (DMP, 2015) and Policy SP1 of the Core Strategy (CS, 2011), which in summary seek to protect heritage assets. This is in a similar vein to the Framework insofar as the protection of heritage assets is concerned.

Conservation area

18. The position, nature and extent of the proposals are such that they would not be highly visible from surrounding public vantage points, although the proposal would be seen from neighbouring private vantage points and the narrow alleyway adjacent to the site. The significance of a CA is dependent upon how it is experienced as a whole. For the reasons above, together with the fact that the appeal building would remain discernible and hierarchically subservient to the surrounding two-storey domestic properties, I consider that the proposals would have a neutral effect on, and would therefore preserve, the character and appearance of the CA as a whole.
19. Accordingly, I conclude that the proposal would preserve the character and appearance of the CA and would meet the requirements of Section 72(1) of the Act. As such, it would not harm the significance of this designated heritage asset. The proposal would also accord with the relevant provisions of DMP

Policies EN1 and EN4 and CS Policy SP1, which in summary seek to protect heritage assets. This is in a similar vein to the Framework insofar as the protection of heritage assets is concerned.

20. In finding no harmful effects to the special interest and significance of the designated heritage assets, it is not incumbent on me to consider any public benefits that would flow from the proposal.

Other Matters

21. Notwithstanding the above, I note that No 5 and 6 Six Bells Lane and The Old Bakehouse are identified as locally listed buildings. Unlike designated heritage assets, there is no statutory duty in relation to locally listed buildings and their settings. Moreover, they are not referenced in the Council's reason for refusal.
22. The Old Bakehouse lies to the south-east of the site and is two-storey former bakehouse, thought to be of 19th century origins. No 5 and 6 forms a two-storey property, finished in painted brick, ragstone and hung tiles with a slate roof over. No 5 and 6 lies to the east of the site and forms a prominent building which abuts the adjoining cobbled open space. The locally listed buildings contribute to an interesting townscape and understanding of the immediate area's origins.
23. The nearby open spaces and surrounding buildings form the setting of the locally listed buildings. It is from these open spaces that the buildings are best appreciated. This setting therefore contributes to how the assets are experienced and so add to their significance.
24. By reason of the nature and relatively discreet position of the proposed scheme, in undertaking a balanced judgement, it would not result in any indirect harmful effects to the significance of the locally listed buildings, having regard to Framework paragraph 203.
25. I note a number of objections received by the occupiers of neighbouring properties. Matters raised include the obstruction of views and light on Six Bells Lane, loss of light to properties, privacy and outlook to neighbouring properties, sewage and drainage concerns, disruption during building works, a lack of storage for waste and cycle storage and the impact on parking.
26. In respect of the effect on living conditions, drainage and parking, there is no dispute between the appellant and Council on these matters. I have no reason to disagree with those findings. In particular, as concluded by the previous Inspector, the pyramidal roof slopes down to all sides. This, combined with the reasonably modest height and pitch of the roof is such that there would be no harmful effect on daylight, sunlight or outlook to the occupiers of neighbouring properties, or the public spaces. The position of the windows would ensure no unacceptable loss of privacy. The ability to connect to services would be a private matter involving statutory providers.
27. Matters relating to building works are noted but would be short term and would be satisfactorily controlled by condition. In respect of waste and cycle storage, the proposed development is not for a conventional domestic property, but rather an annex associated with a host property (the Old Bakehouse). A condition is included to ensure this. Matters relating to drainage are dealt with by condition.

28. Concerns that other similar outbuildings will be converted in the future if this proposal was permitted are based on a hypothetical eventuality. Such schemes are not before me.

Conditions

29. In addition to the standard time limit condition and a condition relating to the approved drawings, for certainty, I have imposed a condition requesting details and samples of the external materials to be used in the development. This is necessary in the interests of character and appearance.
30. A condition relating to a construction management plan is necessary in the interests of residential amenity. A further condition limiting the use of the development hereby permitted is necessary for the avoidance of doubt and to ensure that the building is used as proposed. A surface water drainage condition is required to ensure that the development does not increase flood risk on or off the site.
31. Conditions relating to the construction management plan and materials are pre-commencement as these have the potential to effect living conditions and the appearance of the building. Details are therefore required upfront.
32. In imposing conditions, I have had regard to the tests within the Framework, the Planning Practice Guidance and relevant statute, and have accordingly amended the wording of certain conditions proposed by the Council without altering their aim.

Conclusion

33. The proposed development would comply with the development plan. There are no material considerations that indicate a decision should be made other than in accordance with the development plan. Therefore, for the reasons give above, I conclude that the appeal should be allowed.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 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: (EX)01 Revision D, PL(01), PL(02), PL(03), PL(04), PL(05).
- 3) The development hereby permitted shall not take place until samples and details of the design of external materials to be used in the development, including roofing, wall bonding and pointing and rainwater goods, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
- 4) The development hereby permitted shall not take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) programme of works (including measures to protect the existing Public Right of Way);
 - v) hours of operation/construction.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) Prior to the installation of external doors and windows within the development hereby permitted, details of the design of the external joinery, including plans at a scale of 1:20, shall be submitted to and approved in writing by the local planning authority. Details of windows shall include the depth of reveal, method of opening, details of heads, cills and lintels. Details for door and door frames shall include architraves, linings, mouldings and beading. The development shall be carried out in accordance with the approved details.
- 6) The annex accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Old Bakehouse.
- 7) The development hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment shall have been provided to the local planning authority.