



Appeal Decisions

Site visit made on 23 July 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2024

Appeal A: APP/G2245/W/24/3341059

40 Chipstead Lane, Riverhead, Kent TN13 2AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Linays against the decision of Sevenoaks District Council.
 - The application reference is 23/03142/HOUSE.
 - The development proposed is single storey rear extension.
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Appeal B: APP/G2245/Y/24/3341062

40 Chipstead Lane, Riverhead, Kent TN13 2AG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Linays against the decision of Sevenoaks District Council.
 - The application Ref is 23/03143/LBCALT.
 - The works proposed relate to a single storey rear extension.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As the appeal site lies within a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Following the Council's determination of the scheme that is the subject of these appeals, planning permission and listed building consent were granted in April 2024 for a single storey rear extension¹. The consented scheme does not extend the full width of the dwelling and has a pitched, lean-to roof.

Main Issue

5. The main issue is whether the proposal would preserve a Grade II listed building, known as '40-46, Chipstead Lane' (Ref: 1272969), and any of the features of special architectural or historic interest that it possesses.

¹ Application numbers: 24/00234/HOUSE and 24/00235/LBCALT

Reasons

6. 40 Chipstead Lane is a two storey, end of terrace dwelling, which dates back to the early 19th century. It has a simple plan form, with two similar sized rooms on the ground floor and a central staircase. The listed building is brick built and has a slate, hipped roof. The rear elevation has segmental brick arches above the windows. No 42 has a two storey rear projection and No 46 has a single storey rear projection. The existing rear projections do not extend across the full width of the property in which they relate.
7. Based on my site visit and the evidence before me, I find that the listed building's special interest, insofar as is relevant to these appeals is derived from its historic and architectural interest, as an illustration of early 19th century domestic architecture. The building's surviving historic fabric, use of traditional materials, the legibility and simplicity of its historic plan form and its pleasing architectural style and design make important contributions in these regards.
8. The proposal is for a single storey extension to the rear of the property, which would provide an enlarged kitchen/dining room. The proposal would have a flat roof, which would be set behind a parapet wall. Two skylights are proposed on the flat roof. The proposal would bring the rear building line of the property in line with the two storey rear projection at the neighbouring property.
9. The proposed extension by reason of its size and design would be subservient to the host property. The proposal seeks to match the existing building by utilising reclaimed brick, which would be laid in Flemish bond. It also seeks to re-use the existing windows and door. Nevertheless, the proposed extension would span the full width of the dwelling and would require the removal of the majority of the rear ground floor wall. The proposal would result in the loss of historic fabric and would harmfully erode the legibility of the historic plan form.
10. I appreciate that consent has already been granted for a single storey rear extension to the property and that other dwellings within the listed terrace already have rear projections. However, the consented scheme and the other rear projections are materially different as they do not extend the full width of the dwelling in which they relate. As a result, the other schemes enable the historic plan form to remain more legible and do not fully obscure the historic, ground floor rear elevation of the building.
11. For the reasons given above, I find that the proposal would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the planning balance of these appeals.

Other Matters

12. The appeal site lies within the Riverhead Conservation Area (CA). Both parties agree that the proposal would not harm the significance of the CA. Nevertheless, I have had special regard to the desirability of preserving or enhancing the character or appearance of the CA in my decision. Despite the harm that would be caused to the listed building, I do not find that the proposal would be detrimental to the character or appearance of the CA. This is because the proposal would not be visible from the public domain and would only have limited prominence from the private domain. Under such circumstances case

law² has established that proposals must be judged according to their effect on a CA as a whole and must therefore have a moderate degree of prominence. Given the above, I find that the proposal would not be detrimental to the CA and thus preserve its significance.

13. My attention has been drawn to other schemes within the District where consent has been granted for a rear extension to a listed building. However, there is limited information before me on the circumstances of the other schemes and I therefore give them limited weight in my decision.
14. While I note that the Parish Council supports the proposal and no objections were received from neighbouring occupants, this does not alter my findings set out above.

Public Benefits and Planning and Heritage Balance

15. Paragraph 205 of the National Planning Policy Framework 2023 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have clear and convincing justification. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
16. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
17. The proposal would rationalise the space at ground floor level and provide a more usable layout, when compared to the consented scheme, which is a private benefit.
18. The appellant advises that the existing rear wall is of brick construction with no cavity or insulation. The proposal would provide a new wall which would be insulated to meet the standards set out within the Building Regulations. The proposal would help to improve the energy efficiency of the rear ground floor wall; thus helping to reduce carbon dioxide emissions. While the appellant alleges that the proposal would improve the health of occupants of the dwelling, no such improvements are proposed to the remainder of the dwelling. Accordingly, any such benefits would be limited. There is also an alternative scheme before me which helps to deliver some of these benefits, without the harm that I have identified. As a result, I give these benefits limited weight in favour of the proposal as a public benefit.
19. The proposal would result in investment into the property, which would have a small economic benefit, which carries limited weight in favour of the proposal as a public benefit. There is no evidence before me to suggest that the use of the building as a residential dwelling would cease in the absence of the proposed changes and I do not find them necessary to secure the viability and long-term conservation of the building as a result.

² South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89

20. Overall, there would be limited public benefits from the proposal, with the majority of the benefits being private benefits. Consequently, in attributing great weight to the harm that would be caused to the significance of the designated heritage asset, I find that there would be insufficient public benefits arising from the proposal to outweigh this harm.
21. Given the above, I conclude that, on balance, the proposal would fail to preserve the special historic interest and significance of the listed building. The proposal would fail to satisfy the requirements of the Act and paragraph 203 of the Framework. It would also conflict with Policy EN4 of the Council's Allocations and Development Management Plan February 2015. This policy among other things requires that proposals conserve or enhance the character, appearance and setting of heritage assets. Given I have found conflict with the development plan and the policies in the Framework that protect assets of particular importance, the presumption in favour of sustainable development does not apply.

Conclusion

22. For the above reasons and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

A James

INSPECTOR