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## Appeal Decision

Site visit made on 13 August 2024

**by C Rafferty LLB (Hons), Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 September 2024**

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**Appeal Ref: APP/G2245/W/23/3335037**

**Clandon, Leonard Avenue, Kent, Otford TN14 5RB**

- 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 Alex Davis against the decision of Sevenoaks District Council.
  - The application Ref 23/02737/FUL, dated 19 September 2023, was refused by notice dated 14 November 2023.
  - The development proposed is the extension of existing property to comprise 1no. new two storey residential dwelling and associated works – resubmission of planning permission 23/00888/FUUL
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. However, the proposed changes to the Framework can only be given limited weight at this stage, given that no final document has been published. The main parties have been provided with an opportunity to comment on these reforms and their responses have been taken into account, where received.

### Main Issues

3. The main issues are: the effect of the proposal on the character and appearance of the area; and the effect of the proposal on the setting of nearby heritage assets.

### Reasons

#### *Character and appearance*

4. The appeal site comprises the side garden area of Clandon, a two storey semi-detached property, located at the junction of Leonard Avenue and Station Road. Leonard Avenue is primarily residential in nature, made up of a variety of semi-detached and terraced dwellings. While the precise design and roofs of the dwellings vary, each grouping of properties has symmetrical roof forms, lending an overall pleasing sense of continuity to the street. The includes the appeal property and its adjoining neighbour, which feature hipped roofs.
5. The proposal relates to the erection of a dwelling at the site, adjoining the appeal property and creating a terrace of three dwellings from the current semi-detached pair. Planning permission has already been granted at the site for a similar residential scheme, which would be in the same location as the proposal and of a

similar scale. In addition, the proposal would respect the building lines of the adjacent properties and would be constructed from materials that would assimilate.

6. However, the proposal would be distinguished from the approved scheme primarily due to its roof form and rear dormer. The proposed dwelling would feature a barn hipped roof which would maintain the current ridge and eaves height but, alongside the hipped roof at the other end of the resulting terrace of dwellings would appear as bulky and unduly prominent. While the angle would match the existing roof, the precise shape of the barn hip would create an overall imbalanced roof profile that would appear visually jarring.
7. A variety of roof forms exist in the area, but on Leonard Avenue terraced groups or semi-detached pairs largely retain a symmetrical and balanced roof profile. Experienced in this context, the proposal would appear incongruous in the streetscene, and dilute the current consistency in this regard. While such contextual views may be limited in the wider surrounds, this would be readily experienced from Leonard Avenue, where the proposal and its terraced group would fail to visually assimilate with other dwellings due to its disjointed roof profile. Even acknowledging the wider area, this would cause harm to the character of the immediate area of Leonard Avenue. My findings in this regard are not altered by the appellant's reference to a recently approved partial hip at the adjacent The Woodman Public House, which is distinguishable from the residential dwellings on Leonard Avenue, or to the reference that no harm to living conditions of residents of nearby properties has been found, which is a separate consideration.
8. The proposal would also feature a rear dormer, constructed from matching materials, which would be set below the ridge height, above the eaves line, and would be set in from the Station Road elevation. As such, I find that it would not result in the property having the appearance of a three storey dwelling. Nevertheless, the dormer would span an extensive amount of the width of the roof, reading as an unduly dominant feature within the roof profile of the dwelling.
9. I observed that views of the dormer would be possible when travelling west along Station Road, where it would be seen in the context of other dormers at nearby properties on Leonard Avenue. However, these other dormers are of a more subservient appearance. Rather than serving to justify the proposed dormers, they would highlight its prominence and the visual harm caused in this regard. Although the appellant contends that larger dormers could be installed under permitted development rights, there is nothing substantive before me to suggest this is more than a theoretical possibility and, in any event, I still find that the combination of the proposed dormer and the barn hip roof would create undue visual harm.
10. For the reasons given, the proposal would have a significant adverse effect on the character and appearance of the area. As such, it would fail to comply with Policy SP1 of the Sevenoaks District Council Local Development Framework Core Strategy 2011, Policy EN1 of the Sevenoaks District Council Allocations and Development Management Plan 2015 (the DMP), the Otford Village Design Statement 2015, and the provisions of the Framework insofar as they seek to ensure high quality development that respects the character of the area.

### *Heritage Assets*

11. The appeal site sits adjacent to the Otford Conservation Area (the CA) which, in the vicinity of the site, is defined by the nearby pond and surrounding green, and historic high street. In particular, this section of the CA features the Grade II listed

Georgian villa of Colet's Well to the south of the site, across Station Road, and the late 18<sup>th</sup> Century non-designated heritage asset of The Woodman Public House (the NDHA) to the west of the site, across Leonard Avenue. Due to their siting and overall traditional appearance, these buildings contribute positively to the immediate section of the CA, forming landmark, gateway features that attract attention when travelling along Station Road into and out of the CA.

12. The appeal site is in the setting of the CA, Colet's Well and the NDHA. While the residential development of Leonard Avenue has altered the context of these assets over time, the setting of a heritage asset can change. At present, the simple shape and proportions of the appeal property, including its symmetry with its neighbour along the front elevation, lend it a muted appearance that allows the surrounding heritage assets to be experienced and appreciated.
13. The proposal would erect an additional dwelling in the southern section of the site, visible within the immediate sections of the adjacent CA. It would introduce vertical built form closer to Station Road and Colet's Well, and would result in a greater expanse of built form facing the eastern elevation of the NDHA. The approved scheme would be similarly positioned. However, this would retain the overall simple shape and proportions currently present at Clandon. In contrast, the proposal would feature a sizeable rear dormer and barn hip roof with prominent front rooflights, and would overall be more prominent in the setting of the heritage assets than the approved scheme.
14. Even acknowledging the separation of the proposal from the heritage assets, and the presence and retention of surrounding landscaping and boundary treatments, I observed the proposal would be readily visible in the setting of the identified heritage assets when travelling along Station Road in both directions. In particular, its bulky and disjointed appearance would be jarring in this setting and would visually compete with the NDHA and Colet's Well, distracting from these buildings and the ability to appreciate and understand them as landmark, gateway features that punctuate the entrance and exit to this section of the CA.
15. For these reasons, I find that the proposal would cause harm to the setting of Colet's Well, the CA and the NDHA. With regard to the CA and Colet's Well, this harm would be less than substantial such that it should be weighed against the public benefits of the proposal. The proposal would provide an additional 4 bedroom housing unit that would deliver appropriate living conditions within an established and sustainable residential area, adding to the housing mix and choice among constrained land supply. It would be on brownfield land, make effective use of the land and optimise the use of the site, including the use of airspace when compared with the approved scheme. The appellant further asserts that this could be built in a short timeframe. This represents a benefit of the scheme, but given its single dwelling nature, I attach only limited weight to this.
16. In considering the impact of a proposed development on the significance of a designated heritage asset, I must give great weight to the asset's conservation, and any harm to, or loss of, the significance of a designated heritage asset from development in its setting requires clear and convincing justification. In addition, I must have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest. The limited public benefits of the proposal would not therefore outweigh the harm I have identified in this regard.

17. The Framework further states that the effect of an application on the significance of a non-designated heritage asset should be taken into account and that a balanced judgement will be required. I have found that the proposal would cause harm to the setting of the NDHA. Given the significance of the NDHA as outlined above, the overall scale of harm caused by the proposal in this regard would not be justified.
18. The appellant's Heritage Statement further refers to the nearby Grade II Otford Pond. I note that the Council did not raise concerns regarding the impact of the proposal on the setting of this pond. Based on my observations, due to the intervening distance between the pond and the appeal site, I find that the proposal would not result in harm in this regard.
19. Nevertheless, for the reasons given above, the proposal would result in harm to the setting of nearby heritage assets. As such, it would fail to comply with Policy EN4 of the DMP and the provisions of the Framework insofar as it seeks to ensure that proposals conserve or enhance the setting of heritage assets.

### **Planning Balance and Conclusion**

20. The main parties agree that the Council cannot demonstrate a 5 year housing land supply. Therefore, in accordance with paragraph 11(d) of the Framework, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 to paragraph 11(d) is clear that this applies to designated heritage assets.
21. The harm to the setting of the designated heritage assets identified is such that the policies in the Framework relating to designated heritage assets provide that clear reason for refusing the development. As a result, the presumption in favour of sustainable development would not apply.
22. For the reasons given, I therefore conclude that the appeal should be dismissed.

*C Rafferty*

INSPECTOR