



Appeal Decision

Site visit made on 19 December 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2025

Appeal Ref: APP/T2215/W/24/3343674

The Chapel, Constance Grove, Dartford, Kent DA1 2GA

- 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 Mrs Sheonalli Malhorta of Super Start Nurseries against the decision of Dartford Borough Council.
 - The application Ref is 23/00220/FUL.
 - The development proposed is the erection of a single storey front and side extension to provide kitchen to existing children's nursery.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development relates to the setting of listed buildings and lies within a conservation area. Accordingly, I have had regard to the statutory duties set out in sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. I have used the Council's description of development as this more accurately describes the proposal.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the host building and surrounding area; and
 - whether the proposed development would preserve the setting of adjacent Grade II listed buildings, and the extent to which the works preserve or enhance the character or appearance of the Dartford Town Centre Conservation Area.

Reasons

Character and appearance

5. The appeal building stands in a prominent position off Constance Grove, set adjacent to an area of landscaped open space. It is regarded as a non-designated heritage asset and, by reason of its position, appearance and scale, forms a local landmark feature within the surrounding residential development. It forms part of a former workhouse (later hospital) complex of buildings on the wider site. The

building contributes to an interesting townscape and an understanding of the appeal (and wider) site's origins.

6. Although historic in nature, the building features contemporary alterations, including window fittings, acoustic fencing and a glazed porch. Despite these later additions, the front elevation of the appeal property retains a largely symmetrical and uncluttered appearance. The simple, subservient and centrally positioned glazed porch contributes to this.
7. The main element of the proposed kitchen extension would be positioned within the side playground area. A glazed link would connect the kitchen extension with the existing glazed porch, forming a new lobby area.
8. I note the lightweight and single-storey nature of the proposed glazed link, and use of timber cladding to match the existing bin store and fencing on the main kitchen block. However, the prominent position and projection of the glazed link beyond the side elevation of both the existing porch and appeal property would unbalance the appearance of the building when viewed from Constance Grove and the adjoining open space. In addition, the design of the glazed link would not satisfactorily match the detailed design of the existing porch structure, including in terms of its roof profile and the number and position of window bars. Moreover, the inevitable visibility of the roof of the kitchen extension, albeit flat, would act to harmfully clutter the appearance of the building.
9. Overall, the proposed development would be harmful to the character and appearance of the host property and surrounding area, contrary to the relevant provisions of Policies M1 and M6 of the Dartford Plan (DP, 2024). These policies, in summary, seek to ensure high quality design in development and to conserve or enhance non-designated heritage assets. This is in a similar vein to the provisions of the National Planning Policy Framework, insofar as good design and non-designated heritage assets are concerned.

Heritage assets - special interest and significance

Former Dartford Union Workhouse Buildings to Rear and North East of Range Fronting West Hill (hereafter referred to as 'Twistleton Court')

10. Twistleton Court lies to the south of the appeal site. It is a Grade II listed building¹ which dates from around 1838, with later 19th and 20th century alterations. It is constructed in yellow stock brick with slate hipped roofs over. The building forms part of the former Dartford Union Workhouse, later a hospital. Much of the former site was redeveloped in the late 20th century.
11. The special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its age, illustration as a former workhouse building that has evolved over time, and the use of traditional materials and building methods. It forms a remaining fragment of a much larger development, now demolished.
12. Pertinent to this appeal, the building's special interest and significance are also derived, in part, from its setting. The tightly defined grounds of the building, which includes the central courtyard areas and the small enclosed landscaped area to the immediate north, have an historic, visual and functional connection with the

¹ List Entry Number: 1251334

heritage asset. It is from these grounds that the asset is best appreciated. They form the asset's immediate setting. This immediate setting contributes considerably to the asset's special interest and significance.

13. Beyond this, the surrounding area is made up of a redeveloped, principally residential, site. This includes the appeal property. This surrounding area forms the asset's wider setting. While the listed building can be viewed from this surrounding area, later development to the north, east and west of the site has altered how the asset is experienced and thus has moderated the contribution the wider setting, which includes the appeal site, makes to its special interest and significance.

Conservation Area

14. The special interest and significance of the Dartford Town Centre Conservation Area (CA) is, in part, derived from its varied and largely historic townscape, focussed around the town centre's principal streets.
15. The appeal property, as a prominent building stood in relative isolation, forms a small part of the once larger Dartford Union Workhouse complex. It contributes positively to the character and appearance of the CA and thereby to its significance as a designated heritage asset.

Heritage assets – appeal significance and effects

Twistleton Court

16. The position, scale and nature of the proposed development, together with the orientation of Twistleton Court (facing away from the appeal site) and the change in levels, would mean that the visually and physically separate relationship between the appeal site and that asset would be maintained. The historic and architectural interests of the asset would remain unaffected. Ultimately, the immediate and most of the wider settings that contribute to the significance of that asset would remain undisturbed by the proposed scheme.
17. Taking these factors into account, the proposed development would not compromise the setting of Twistleton Court, rather it would have a neutral effect that would not determinably alter how the asset would be experienced and would not adversely affect the ability to appreciate the significance of the asset. Consequently, the setting of Twistleton Court and the contribution that setting makes to the significance of the asset, would be preserved.

Conservation Area

18. The position, nature and limited extent of the proposals are such that they would, when viewed from the public realm, appear as relatively modest. Unlike listed buildings, the significance of a CA is dependent upon how it is experienced as a whole. 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. As such, it would not harm the significance of this designated heritage asset.

Heritage assets - conclusion

19. Overall, I conclude that the proposed development would preserve the setting of the Grade II listed building, Twistleton Court, and preserve the character and

appearance of the CA. Consequently, the proposed development would not harm the significance of the heritage assets. In doing so, it would satisfy the requirements of sections 66(1) and 72(1) of the Act and would not conflict with the relevant provisions of DP Policies M5 and M6. These policies, in summary and when taken as a whole, seek to protect heritage assets.

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 in respect of heritage.

Other Matters

Further heritage assets

21. The appeal site is located within the wider surroundings of a further Grade II listed building that has been brought to my attention, namely Range of Former Dartford Union Workhouse Facing on to West Hill². Mindful of the statutory duty set out in s66(1) of the Act, I have had special regard to the desirability of preserving its setting. The historic built backdrop to the listed building positively contributes to its significance. Nevertheless, given the location and extent of the proposed development, together with the separation distance and intervening built form, I consider that it would preserve the setting of this listed building and the contribution it makes to its significance.

Other considerations and benefits

22. I accept the difficulties with the existing kitchen arrangements, of a limited size and located on an upper floor with no lift facilities. This causes issues with deliveries, storage and the efficient running of the kitchen. On this basis I accept the benefits of a larger, ground floor facility, which would remove many of these burdens. I also note the appellant's argument that the viability of the nursery facility would be at risk if a kitchen facility had to be provided elsewhere within the existing building, and I acknowledge that no historic fabric would be lost as part of the proposed development.
23. Nevertheless, the benefits of the scheme would be limited as existing facilities, although not ideal, are functional. Moreover, although I note there are limited options for internal adaptations to improve kitchen access, there is no substantive evidence before me to demonstrate that similar benefits could not be achieved via an alternative, and less harmful, scheme. Accordingly, the weight that I ascribe to the benefits that would accrue from the proposal is not sufficient to outweigh the weight that I attach to the harm I have found.

Conclusion

24. For the reasons above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR

² List Entry Number: 1251335