

---

## Appeal Decision

Site visit made on 14 January 2014

**by R O Evans BA(Hons) Solicitor MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3 February 2014**

---

**Appeal Ref: APP/G2245/A/13/2197186**  
**Mill House, Mill Lane, Sevenoaks, TN14 5BX**

- 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 Purelake New Homes against the decision of Sevenoaks District Council.
  - The application Ref SE/!2/00881/FUL, dated 30 March 2012, was refused by notice dated 19 April 2013.
  - The development proposed is: Redevelopment of the mixed-use site to provide 29 dwellings; 22 new houses and flats in three separate blocks and 7 houses and flats by way of converting and/or partial rebuilding the existing Mill House, Mill Cottage and Mill Building with 45 associated car parking spaces and new centrally located access road.
- 

### Decision

1. The appeal is dismissed.

### Reasons - Introduction

2. The appeal site is a roughly L shaped plot of land of some 0.4ha. It lies within a predominantly residential area on the north eastern outskirts of Sevenoaks, with Greatness Park to the east and views to the North Downs to the north. It is currently in a range of commercial and residential uses, with a tall former mill building at its north eastern corner.
3. The appeal proposals involve the site's redevelopment as outlined above, in 5 separate blocks, including the reconstruction of the former mill building (Block D) in similar style and proportions. The principle of redevelopment is not in dispute. Of the Council's 3 reasons for refusal, two were concerned with the perceived impact of Block E, to be set on the Mill Lane frontage. The third reflected the absence of an agreement in relation to the provision of affordable housing and contributions to infrastructure improvements. That has now been addressed to the Council's satisfaction by the submission of a unilateral undertaking and I see no need to go into it further. I shall therefore concentrate on the remaining two reasons for refusal.

### Main Issues and Planning Policy

4. The main issues are thus the impact that Block E would have firstly, on the setting of the rebuilt Block D and the weight that should be afforded, secondly, on the character and appearance of the locality and thirdly, on the living conditions of residents opposite the site.

5. The District's Local Development Framework Core Strategy was adopted in February 2011. Pursuant to Policy SP 1, all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Account should be taken of guidance adopted by the Council, including local Character Area Assessments ("CAA"). As well as other objectives, the District's heritage assets and their settings, including historic buildings, will be protected and enhanced.
6. Policy SP 7 sets out housing density objectives, but subject to the overriding consideration that it be consistent with achieving good design and that it does not compromise the distinctive character of the area in which it is situated. This site lies within a defined character area (N09) for the purposes of the CAA 2012 Supplementary Planning Document, consisting principally of Mill Lane, North View Road and part of Seal Road. The mill building is recognised as a landmark feature, the character of which should be retained, while the "repeated designs and building lines in Mill Lane" should be respected. I have had regard also to the detailed development criteria in saved Policy EN 1 of the 2008 Local Plan, in particular Nos 1 (form of development), 3 (privacy and amenity) and 4 (loss of important buildings).
7. The National Planning Policy Framework was published in March 2012. In addition to its core planning principles (para 17), the objectives of delivery of sustainable development (section 1) and of a wide choice of housing (section 6), section 12 is concerned with conserving and enhancing the historic environment. In particular, it advises on the approach to be taken to the effect of development on heritage assets, both designated and non-designated. The definition of a 'heritage asset' includes a building identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. Such assets include those identified by a local planning authority, including local listing. It follows that local listing is not the only way in which such 'identification' can be made for an asset to be regarded as of heritage interest for this purpose.

### **First Issue**

8. The mill was de-listed in March 2011 for the reasons given in the English Heritage Report of that date, but principally because of the consequences of the rebuilding of the original late eighteenth century structure (itself a rebuilding) above ground level "in modern materials" following a "disastrous" fire in 1927. As the report states however, the building "clearly has local historical interest." Apart from the present building, a mill has apparently existed on the site or nearby since the fourteenth century, so it is hard to disagree with that albeit bald assessment.
9. In an undulating setting, with rising land to the south, west and to an extent to the east, the present building stands as a landmark both because of its height and form, and because of the reminder it gives of its historical function. As the Council's Conservation Officer commented, it is a "significant feature in the area and *gives it its special identity*" (my emphasis). That identity is reinforced by the restored mill pond to the south. With the building's de-listing, and because (in short) of the apparent impracticability of its conversion however, the Council have accepted the Appellants' proposal to rebuild the mill in substantially similar form and design but incorporating residential use as flats. That in itself is a reflection of its value as a heritage asset to the area,

recognised if in different terms in the CAA. The fact that it would be rebuilt does not therefore lessen any weight that might be attached to possible harm to its setting.

10. The mill's significance as a landmark is also emphasised by the contrast it provides with the largely domestic scale and character of the buildings, mostly 2 storey houses, around it. An obvious exception to that is the range of utilitarian buildings attached to its southern elevation. They are accepted as of 'poor quality' but are clearly of some age, part of one of them being visible in a late nineteenth century photograph, if with considerable alteration since. Their age and the quirkiness of their design and construction, no doubt reflecting their original purposes, means they are not wholly without character.
11. Block E would replace these "unlisted but historically interesting commercial structures"<sup>1</sup>. It is shown as a 2 and 3 storey building with high roofs and full residential units in the roofspace. It would be set some 5m to the south of the rebuilt Block D, allowing limited views of the latter's southern elevation, but would occupy a larger footprint, extending further south and west. Its eastern elevation would "in part mirror"<sup>2</sup> the form of the existing buildings, by rising in height from north to south, but it would be of an altogether different size, scale and greater height than the buildings it would replace.
12. The differences in height between the existing buildings and the mill are put at 7.2m and 8.5m, reducing to 3.5m and 5.5m with Block E. While the Council's planning officer acknowledged the increases in height, he considered the mill / Block D would continue to "dominate the local townscape", reinforced by the (slight) stepping back of Block E compared to the existing structures. That last step would certainly help but this assessment to my mind fails to take sufficient account of the size and depth of Block E, particularly in views from the south.
13. Nothing at present comes close to rivalling the visual presence of the mill building in the vicinity. More substantial buildings (than the houses in Mill Lane) to the south east are sufficiently separated both in distance and by open, rising land so that they relate far more to Seal Road than to Mill Lane, reflected in their lying outside the Area NO9 of the CAA. There is a 4 storey block of flats at the northern end of Mill Lane, again outside Area NO9, but it is set on lower ground and has little visual significance for the immediate surroundings. The visual relationship between the proposed buildings was not the purpose of Plan 4249-PD-014 but I find it at least potentially misleading in this respect as it shows the roofline of Block E below the level of the dormer windows on Block D. In contrast, extending that line on the elevational plan No 4249-PD-11 Rev B takes it to a point above the eills of those windows.
14. Be that as it may, it is not the design of Block E which in my assessment gives rise to an objection, many features indeed echoing the site's past and more easily enabling a 'reading' of it accordingly than if it were individual houses. It is rather the combination of the building's height, depth and mass that would detract from the setting of the mill / Block D, not so much complementing<sup>3</sup> it as challenging it visually, even when seen from some angles to the north. The mill building / Block D is surely the "point of destination" – as I imagine it has been for over two centuries – so that there is no need for a new one to

---

<sup>1</sup> Conservation Officer, Committee Report

<sup>2</sup> *ibid*

<sup>3</sup> Cf Appellants' Heritage Statement para 5.4.4

compete with it “within the development”<sup>4</sup>, nor can I see how that would “enhance its prominence in the streetscene”<sup>5</sup> or significance as a landmark. In its presently intended form therefore Block E would cause harm to the setting of a significant if undesignated local heritage asset.

### **Second Issue**

15. Much of what I have said above serves as a preface to consideration of the impact on the wider character and appearance of the area. Again, it is the contrast of the mill with what surrounds it that creates the landmark – but also emphasises the domestic scale of the mostly 2 storey houses in this part of Mill Lane. This is not a Conservation Area and difference does not of itself equate to harm. There is no reason therefore in redeveloping a site such as this to expect a copying of development elsewhere in the vicinity. Although the buildings opposite are set slightly higher than Block E would be, its greater height, depth and proximity to the road would set it apart, giving it a somewhat overbearing impact in the streetscene.

### **Third Issue**

16. As above, Block E would extend further to the south than the main buildings to be replaced. That would undoubtedly reduce the south westerly outlook from the properties opposite but with rising land to the west, as well as buildings and vegetation including some trees, I do not consider this would result in a substantial loss of direct sunlight. Further, the Council have not challenged the accuracy of Plan 4249-PD-014 in relation to the calculations based on Building Research Establishment Guidelines. With the distance between the buildings, at some 18m, I do not consider there would be an unacceptable loss of light more generally to those properties. Even so, the height and mass of Block E, compared to what exists now, would result in a greater visual impact and reduced outlook. That comparison does not include the impact of the mill building itself if only because even at its present height it was probably built some time before the houses opposite.

### **Conclusions**

17. Given the obvious benefits of the scheme in terms of housing provision, including affordable housing, it is unlikely I would have found the last 2 objections by themselves or even collectively sufficient to outweigh them. The second issue however is not easily separable from the first, since the mill building and its setting are so important in creating and defining the character of the area. Paragraph 135 of the NPPF advises that in weighing applications that affect directly or indirectly non-designated assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
18. I have no doubt that the officers’ assessments were professionally made following a long process of discussion over the scheme. A recommendation of approval does not however mean that success on appeal will be automatic if there are sound planning reasons for the Committee’s decision. As indicated above, I regard the mill as being clearly of local importance and the harm to its setting as significant for the reasons given. The acceptance of the viability of the present scheme does not mean that another or a re-worked scheme would

---

<sup>4</sup> Cf Design & Access Statement para 5.47

<sup>5</sup> Appeal statement para 6.14

not be viable. It is not for me to say how that might be achieved but in passing, even without the 2 units in the roofspace of Block E, the Core Strategy density objective of 40 units per hectare would be exceeded. Together with the other less weighty objections, I conclude on balance that Block E as presently drawn would be in conflict with the above development plan policies and other material considerations are not sufficient to outweigh that harm.

19. For the sake of certainty, I am aware that another application has been submitted to the Council but I have no details of it and have attached no weight to it. I have taken account of all other matters raised but none serves to outweigh my above conclusions.

*RO Evans*

Inspector

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer

Services Department:

Telephone: 0870 333 1181

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: [customers@english-heritage.org.uk](mailto:customers@english-heritage.org.uk)