

# TONBRIDGE & MALLING BOROUGH COUNCIL

## AREA 1 PLANNING COMMITTEE

25 November 2010

### Report of the Director of Planning, Transport and Leisure

#### Part 1- Public

#### Matters for Recommendation to Council

#### 1 HILDENBOROUGH AND HADLOW CONSERVATION AREAS- RESPONSE TO CONSULTATION

##### Summary

To consider the response to public consultation on the proposed changes to the Hildenborough and Hadlow Conservation Areas including the proposal to designate a new Conservation Area at the Freehold, Hadlow and to recommend approval of the revised Conservation Areas to Council.

#### 1.1 The Process

- 1.1.1 Under the Constitution, whilst the consideration of Conservation Area Appraisals is a matter for the Executive, changes to the boundaries of Conservation Areas and the designation of new ones is a matter for Council having regard to the recommendations of the relevant Area Planning Committee.
- 1.1.2 Area 1 Planning Committee considered proposed boundary changes to the Hildenborough and Hadlow Conservation Areas and a proposal for a new Conservation Area at the Freehold Hadlow at its meeting on 22 July 2010 and approved them for the purposes of public consultation. The Planning and Transportation Advisory Board (PTAB) at its meeting on 28 July 2010 considered draft Conservation Area Appraisals for Hildenborough and Hadlow (including the new Conservation Area at the Freehold) and approved those documents for public consultation.
- 1.1.3 The Planning and Transportation Advisory Board considered the response to consultation specifically in relation to comments concerning the Character Area and Conservation Area Appraisals at its meeting on 17 November 2010. The purpose of this report is to consider those representations that relate specifically to the proposed boundary changes to the two Conservation Areas and to the proposed new Conservation Area at the Freehold.

#### 1.2 Public Consultation

- 1.2.1 Public consultation on the Conservation Area Appraisals, including the proposed boundary changes and the new Conservation Area, took place between 13

September and 22 October 2010 alongside consultation on the Character Area Appraisals for the remainder of the two villages. Advanced warning of the consultation was given in the autumn edition of *Here and Now* and by an article in the Parish magazines for Hildenborough and Hadlow. A public notice appeared in the local press and a Press Notice was issued. Exhibitions were mounted in the Village Hall at Hildenborough and the Old School Hall at Hadlow. The exhibitions were promoted by posters on public notice boards and in local shops. Each exhibition was manned for a specific advertised period. Over 260 consultation letters were sent out to statutory consultees and other potentially interested parties and there was a special interactive page on the Council's Website.

### 1.3 Response to Consultation

- 1.3.1 Despite our efforts, attendance at the exhibitions was not that successful, though the one at Hadlow, being in the foyer to the Old School Hall, had the potential to be seen by a significant "passing trade". The overall level of response to consultation has not been that great in terms of numbers, particularly bearing in mind how many dedicated letters were sent out. However, this can be interpreted that respondents were not particularly interested or too busy doing other things or otherwise were satisfied with what the Council is doing. Copies of the comments received will be available to view at the meeting and can be inspected, on request, prior to the meeting.
- 1.3.2 **Hildenborough** A number of respondents supported the boundary changes at Hildenborough and the content of the Appraisal. There was only one respondent who suggested a further change to the boundary (Richard Nevard). He suggested that the proposed extension to the west of the London Road (Extension 3 on the Map attached at **Annex A**) should be extended further westwards to ensure adequate screening is maintained. The boundary has been drawn to capture the trees and hedgerow alongside the road which is what is important to the character of the Conservation Area. It is not necessary to take in any additional land in order to meet this objective
- 1.3.3 **Hadlow** Again, a number of respondents generally supported the proposed changes. However, concern was expressed by the Parish Council and others about a field adjacent to the Prince of Wales PH which apparently was for sale at the time of the consultation. Suggestions were made that it should perhaps be included in the Conservation Area. This field lies within the Green Belt and is liable to flood. It is important to the setting to the Conservation Area and this is made very clear in the Conservation Area Appraisal. There would therefore be a very strong presumption against any development on this site. It is neither necessary nor appropriate for the field to be included in the Conservation Area.
- 1.3.4 At the exhibition a query was raised about a very small area of land at the rear of the Prince of Wales PH that had been proposed for deletion from the Conservation Area. This has been investigated and has been found to be based upon an inaccuracy on the Ordnance Survey base map. This minor change

should not have been proposed and the map at **Annex B** corrects this minor cartographic error.

- 1.3.5 A representation was received from a resident in Appletons querying Addition 4 and why their modern property had been included in the original Conservation Area. Following investigation, it is recommended that No 12 Appletons, which was built in the 1960s and forms part of the Appletons cul-de-sac Character Area, should be excluded from the Conservation Area and Addition 4 be amended accordingly. The Map at Annex B shows these proposed changes.
- 1.3.6 The most substantive objection to the proposed boundary changes comes from Duncan Murray of the Stables in Maidstone Road. He is opposed to the proposed Addition 3 for the reasons set out in his letter of objection which is attached at **Annex C**. The following paragraphs set out my response to the objection.
- 1.3.7 The objector argues that the character of the Victorian buildings in the proposed extension is not in keeping with the main frontages in the village. The Planning (Listed Buildings and Conservation Areas) Act 1990 defines a conservation area as ‘an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance’. The original Conservation Area boundary excluded the Victorian Chesfield and Stables to the east of Maidstone Road together with the treed frontage on west side of the road but both abut the existing boundary and contain features of historic interest along this important entrance to the Conservation Area. The Appraisal notes that:

*“The approach to the Conservation Area from the north is heavily vegetated particularly the west side, creating a verdant entrance to the Conservation Area. As the road curves there are vistas of Hadlow Tower and the tower of St Mary’s Church and then a vista of the High Street comes into view, the tight knit historic buildings, set close to the road contrasting strongly with the more verdant, loose knit townscape to the north comprising larger scale buildings”.*

The Appraisal does not claim a uniform age and scale of buildings within the Conservation Area. Indeed it acknowledges on this northern approach ‘*the more verdant, loose knit townscape to the north comprising larger scale buildings*’ in contrast to ‘*the tight knit historic buildings, set close to the road*’.

- 1.3.8 The respondent acknowledges the buildings forming part of this extension are Victorian in age. They are therefore of some historic interest and certainly contribute to the character of the conservation area. It is legitimate for a conservation area to include the significance of the time dimension in the impact of the area’s historic development and its character and architectural style and spatial qualities. As the English Heritage Guidance on conservation area appraisals states, ‘*The appraisal might ... highlight the influence that change over time has had in the development of the area, for example, by creating diversity and contrasts in architectural styles.*’ (Paragraph 4.13).

- 1.3.9 The objector also argues that the frontage is obscured by a fence and the back of a garage and has submitted photographs to support this which will be available to view at the meeting. However, there are glimpses of Chelsfield and The Stables from the public domain in Maidstone Road. They are not totally obscured from view.
- 1.3.10 The objector further argues that there have been significant changes to the original buildings. It is acknowledged that there have been losses of some Victorian features. Nevertheless, a number of original features remain, including brick detailing and/ or have been replaced with compatible materials and the scale and materials of the buildings is evident. The purpose of designation of a conservation area is to preserve or enhance an area of special architectural or historic interest and in relation to the loss of original details the Appraisal's Management Plan advocates the preparation of an information leaflet on replacement doors, windows and roof materials considered to be suitable within Conservation Areas. This will recognise the need for replacement features and will also give practical guidance on design, acceptable materials and products and may assist with the selection of suppliers. In addition, the Appraisal's Design Guidelines state that :

*Replacement doors, windows and roofs should closely match the design and materials of the original features of the building. Where inappropriate new windows, doors and roofs are to be replaced, the opportunity should be taken to put back in the original style. White painted windows are a common unifying feature within the area.....Careful consideration should be given to ensuring that good quality traditional detailing on buildings is retained eg brick detailing such as string courses, brick bonding and chimneys. Where removed, efforts should be made to restore them.*

The Appraisal therefore seeks to prevent any further loss of original details or, through replacement, enhance the character of those buildings where such features have been lost. I am not aware of any evidence that the inclusion of a property in the Conservation Area deters owners from making improvements.

- 1.3.11 In addition to the built form, the trees in this area are noted on the Townscape Map and in the description. In this respect, the Appraisal follows the advice in the English Heritage Guidance on conservation area appraisals which states, '*Trees, hedges and street greenery are a vital element of many conservation areas, not only in public places, but on private land as well.*' (Paragraph 4.20). For these reasons, I believe it is legitimate for the Conservation Area to include the treed frontage of Maidstone Road and the properties included in Addition No 3.
- 1.3.12 **The Freehold** There is support for the proposed new Conservation Area from the Parish Council and local residents. In particular the Freeholders Association which represents the residents who live in the area support the proposal with a letter counter-signed by 27 residents of the Freehold. However, there is one substantive objection from Mr Jason Rutherford, the owner of part of the open land at the

centre of the proposed Conservation Area. His objection is set out in full under **Annex D**. The justification for the designation of this new Conservation Area is set out in the Conservation Area Appraisal. The objector challenges in detail that assessment. The following paragraphs set out my response to the objection.

- 1.3.13 The objector first questions the group value of the buildings and does not accept that there is a “*strong sense of place and identity*”. The Appraisal does not claim a uniform age and scale of buildings at the Freehold but, more accurately, a “**relatively**” uniform age and scale. The respondent acknowledges the history of the buildings spanning mid to late 19<sup>th</sup> century, which is shown in the evolution of a different grain of development. There is very limited modern infill development, which is referred to in the Appraisal. As mentioned above it is legitimate for a conservation area to include the significance of the time dimension in the impact of the area’s historic development and its character and architectural style and spatial qualities.
- 1.3.14 In proposing to designate The Freehold as a Conservation Area the Appraisal makes it clear that the designation is not merely as a result of uniform age and scale but a range of factors including the enclosed layout around a central open space and scale of the buildings, limited colour palette, traditional local materials, steeply pitched roofs and chimneys all of which, in my opinion, do give The Freehold a strong sense of place and identity. The group value of the buildings does not need to rely on individual buildings. As the English Heritage Guidance on conservation area appraisals states, ‘... *the whole is generally greater than the sum of its parts and this should be articulated and defined.*’ (Paragraph 4.3). I conclude that this compact enclave of 19<sup>th</sup> century development arranged around three sides of the green space, as described in more detail in the Appraisal, does exhibit a strong “sense of place and identity” and has a recognisable and valuable group value.
- 1.3.15 The objector argues that the materials vary considerably and that many original features have been lost. In my view the colour palette of materials is limited and harmonious, contributing to the group value of the buildings. The appraisal acknowledges that there have been losses of Victorian features. The respondent’s own analysis indicates that a number of original features remain and/or have been replaced with compatible materials. As mentioned above, the purpose of designation of a conservation area is to preserve or enhance an area of special architectural or historic interest and in relation to the loss of original details the Appraisal’s Management Plan advocates the preparation of the information leaflet referred to above (see para 1.3.9 above). Through this the Appraisal will seek to prevent any further loss of original details or, more particularly, through replacement, enhance the character of those buildings where such features have been lost.
- 1.3.16 The objector argues that it is commonplace and not architecturally significant that the buildings face onto an open space. However he actually seems to recognise the historic significance of the open space and its close relationship with the

surrounding houses by acknowledging that the open space originally functioned as allotments/garden plots for the nearby houses. The Appraisal follows the advice in the English Heritage Guidance on conservation area appraisals which states, *'The importance of open spaces within the conservation area, the way they are enclosed, and the visual contribution they make to the character of the place should be defined and shown on a townscape analysis map.'* (Paragraph 4.11). *'Trees, hedges and street greenery are a vital element of many conservation areas, not only in public places, but on private land as well.'* (Paragraph 4.20). For these reasons, I believe it is legitimate for the Conservation Area to include the enclosed green space.

- 1.3.17 The objector challenges the accuracy of the historical justification for the designation. Whilst we are fairly confident about the historical significance of the area, a recommended change to the wording of the Conservation Area Appraisals acknowledges the lack of documentary evidence. However, the designation of the area does not stand or fall solely on its historical significance, because a Conservation Area is an "area of architectural or historic interest"

#### **1.4 Financial and Value for Money Considerations**

- 1.4.1 There could be a very marginal increase in advertising costs relating to proposals within the new Conservation Area boundaries because of its increase in size.

#### **1.5 Risk Assessment**

- 1.5.1 It is important to review the boundaries and other changes within conservation areas to ensure they remain relevant and robust for use in the planning system.

#### **1.6 Equality Impact Assessment**

- 1.6.1 See 'Screening for equality impacts' table at end of report

#### **1.7 Recommendations**

That the proposed boundary changes to the Hildenborough and Hadlow Conservation Area and the proposed new Conservation Area at the Freehold, Hadlow (as set out in Annexes A and B to this report) be recommended to Council for designation.

Background papers:

contact: Brian Gates

Nil

Steve Humphrey

Director of Planning Transport and Leisure

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The designation of a Conservation Area merely recognises its architectural or historic interests in the interests of the community as a whole.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	Not overtly. The designation of a Conservation Area merely recognises its architectural or historic interests in the interests of the community as a whole.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*