

**Tonbridge  
Castle**

**13 November 2018**

**TM/18/02684/FL**

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Proposal:	Retrospective application for erection of a canopy attached to the Acorn building
Location:	Hilden Oaks School 38 Dry Hill Park Road Tonbridge Kent TN10 3BU
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## **1. Description:**

- 1.1 Planning permission is sought retrospectively for the erection of a white finished metal framed canopy attached to the south elevation of the Acorn building which is located within the central part of the site. The canopy measures 8.6m in length, 5.6m in width and stands 3.5m high at its highest point. The canopy has a mono-pitched roof and is supported on columns.
- 1.2 The purpose of the canopy is to provide a sheltered external area for children to play. This enables children to play outside even when the weather would normally dictate that they would stay inside the building.
- 1.3 At the time of writing this report, arrangements are being made for a Members' Site Inspection (MSI) to take place before the date of this committee meeting. Arranging the MSI prior to the date of the committee meeting complies with the Council's protocol for these inspections and will enable Members to see the context of the development prior to debating the merits of it during the committee meeting itself. Any issues arising from the Members' Site Inspection will be reported as a supplementary matter.

## **2. Reason for reporting to Committee:**

- 2.1 At the request of Cllr Branson in response to the widespread local interest in this application.

## **3. The Site:**

- 3.1 The site is located within the urban confines of Tonbridge on the north side of Dry Hill Park Road. It is located within the Tonbridge Conservation Area and is occupied by a school, contained within 4 main buildings. The site slopes down considerably from the south (Dry Hill Park Road frontage) to the north (rear) of the site where it adjoins Welland Road.

**4. Planning History (relevant):**

TM/11/00221/FL      Approved      22 March 2011

Demolition of existing shed and replacement with a new shed in amended location for the continued general storage use.

TM/14/00216/FL      Approved      12 March 2014

Relocation of an existing cabin within the site and construction of new timber building

TM/18/02933/FL      Pending consideration

Erection of a freestanding single storey building providing additional educational facilities at Hilden Oaks School

TM/18/02934/FL      Pending consideration

Erection of single storey timber clad extension to Hilden Oaks School Hall

**5. Consultees:**

5.1 Private reps (including site and press notices): 26 + site + press notice/0X/0S/4R. Objections raised on the following grounds:

- The documents are inaccurate. The canopy is not a replacement for one that were there before. The statement that the previous canopy was approved is misleading.
- The canopy is in no way sympathetic to the landscape or area and has no architectural merit.
- The applicant states that the canopy appears innocuous against the backdrop of the larger building it has been attached to. However, the canopy does not look innocuous when viewed from the neighbour's house.
- The structure does not conform to the guidance contained within the Tonbridge Conservation Area Appraisal for this sub area of the Conservation Area.

**6. Determining Issues:**

6.1 Policy CP11 states that development will be concentrated within the urban areas of the Borough, which includes Tonbridge. As such, the principle of the proposed development is acceptable in broad policy terms.

6.2 Policy CP24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of materials. Proposals must be designed

to respect the site and its surroundings in terms of scale, layout, siting, character and appearance.

- 6.3 Policy SQ1 of the MDE-DPD echoes policy CP 24 and states that development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.
- 6.4 Bearing in mind that the site lies within the Tonbridge Conservation Area, regard must be given to current national planning guidance concerning development and the historic environment, which is contained within section 16 of the NPPF. It states at paragraph 192 that when determining applications, LPA's should take account of the desirability of sustaining and enhancing the significance of heritage assets (in this case the CA itself).
- 6.5 Paragraph 193 states:

*“When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”*

- 6.6 Consideration must also be given to the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). This states that when exercising powers within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 6.7 When considering the above statutory, adopted development plan and national requirements, it is crucial to consider the context for any planning application. In this case, the context is a site used as a school containing four main school buildings. A red brick former dwelling dating from the early 20<sup>th</sup> Century fronts onto Dry Hill Park Road. Two more modern, two storey buildings known as the Acorn and Salmon buildings are located more centrally and to the rear of the site respectively. Both are of red brick construction under pitched, tiled roofs and contain white UPVC windows. A single storey, brick and tiled roof building is located along the eastern boundary of the site, approximately half between the front and rear of the site.
- 6.8 The canopy is attached to the Acorn building, a red brick building that is less than 20 years old and which, whilst it is of a traditional form and design, has a simple and plain appearance. The canopy is predominantly a translucent structure although the frame for the side wall is constructed from white, powder-coated aluminium. This materials is similar in appearance to the white UPVC windows located within the building. In light of these factors and given the small scale of the canopy, it does not detract from the character of the Acorn building itself.

- 6.9 Views into the site from Dry Hill Park Road are prevented by the older building fronting onto the road. Similarly, views into the site from Welland Road are obscured by the Salmon Building. Given the particular arrangement of buildings within the site and its sloping ground levels, the canopy is not visible from public vantage points within the Conservation Area or indeed views into it from Welland Road. In light of this, and given my assessment in the preceding paragraph, the canopy does not fail to preserve the character of the Conservation Area and nor does it cause any harm the character of the street scene.
- 6.10 Whilst it is clearly visible from neighbouring residential properties, a private view of a structure is not a material planning consideration even for a structure within a Conservation Area.
- 6.11 For the above reasons, the canopy complies with development plan policies CP 24 and SQ 1, as well as national planning guidance concerning development and the historic environment.
- 6.12 Due to the position of the canopy within the site and its limited size, it does not cause any demonstrable harm to the amenities of the neighbouring properties in terms of loss of light or overshadowing. The development also raises no highway safety issues either, due to its nature and position within the site.
- 6.13 Comments have been submitted regarding an application in 2003 (Ref: TM/03/02764/FL). This related to the erection of the Acorn building itself and included the provision of a canopy that wrapped around the front and side elevations of the building. The Council, as Local Planning Authority, granted permission for this canopy as part of the building under the terms of the 2003 planning permission. Following the issuing of that planning permission, amended plans were approved by the Borough Council which did not include the canopy. However, it is a fact that the Borough Council has previously granted planning permission for a similar canopy structure to the one the subject of the current application. Whilst national planning policy has changed over time since this decision was made in 2003 (the replacement of PPSs/PPGs with the NPPF), the content of that policy has not significantly changed in terms of how to assess the impact of development upon the historic environment. Furthermore, the statutory requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) have not changed since the time this previous application was approved.
- 6.14 Taking all of the above into consideration, the canopy does not fail to preserve the character or appearance of the Conservation Area and complies with the relevant development plan and national planning policies concerning development and the historic environment. It causes no more harm to the character of the Conservation Area than a similar structure the Borough Council has previously approved for the same part of the site. The canopy does not cause any detriment to residential

amenity or highway safety. Consequently, I recommend that retrospective planning permission be granted.

**7. Recommendation:**

- 7.1 Grant retrospective planning permission** as detailed in: Other Canopy details dated 13.11.2018, Existing + Proposed Plans and Elevations 01 dated 13.11.2018, Photograph dated 13.11.2018, Design and Access Statement dated 13.11.2018, Location Plan P-010 dated 13.11.2018

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