

Appeal Decisions

Site visit made on 7 September 2016

by Mr J P Sargent BA(Hons) MA MRTPI

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

Decision date: 27 September 2016

Appeal Ref: APP/J2210/W/16/3149046

45 The Street, Kingston, Canterbury, Kent CT4 6JQ

- 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 Omar Yanni against the decision of Canterbury City Council.
 - The application Ref CA/16/00305/FUL, dated 4 February 2016, was refused by notice dated 1 April 2016.
 - The development proposed is an oak framed link extension.
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Appeal Ref: APP/J2210/C/16/3149047

45 The Street, Kingston, Canterbury, Kent CT4 6JQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Omar Yanni against the decision of Canterbury City Council.
 - The application Ref CA/16/00312/LB, dated 4 February 2016, was refused by notice dated 1 April 2016.
 - The works proposed are an oak framed link extension.
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Decisions

Appeal APP/J2210/W/16/3149046

1. The appeal is dismissed.

Appeal APP/J2210/C/16/3149047

2. The appeal is dismissed.

Main Issues

3. Having regard to sections 16, 66 and 72 in the *Planning (Listed Buildings and Conservation Areas) Act 1990* and the guidance in the *National Planning Policy Framework* (the Framework), the main issues with these appeals are
 - a) whether the works would preserve the special architectural or historic interest of this Grade II listed building and whether they would preserve the character or appearance of the Kingston Conservation Area,
 - b) whether they would conserve the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty (the AONB)and, if harm would be caused,
 - c) whether it would be outweighed by public benefits.
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Reasons

Effect on the listed building and conservation area

4. This appeal concerns a Grade II listed 2-storey former farmhouse with attics. It is an attractive timber-framed building that, according to the listing description, dates from the 18th Century, and it is set back from the road in a slightly elevated position behind a gravelled yard. To one side of the yard is a single storey detached outbuilding (the outbuilding) that appears to be of some age but which seems to have been restored. A former barn is on the other side of the yard and this has been converted recently to living accommodation.
5. To my mind the external appearance of the farmhouse still displays a character and detailing that reflects when it was built and its initial status. Moreover, this is enhanced by the buildings round the yard that emphasise its farming function. Together the group forms a pleasing composition, especially as the dwelling and the outbuilding are visually unified by the use of black timber beams with white panelling in between and matching roof tiles. However, in my opinion the separation between the former barn, the outbuilding and the main dwelling serves to highlight the primacy of the latter within the group, and also establishes a circulation pattern with the gap between the outbuilding and the farmhouse providing access to the drive beyond. Such factors therefore contribute to its significance as a heritage asset.
6. Moreover, the site is within the Kingston Conservation Area. Although this conservation area has been subject to much recent infill development, it is still possible to discern within it the organic growth of Kingston as a historic rural settlement. Again, given its apparent age, this cluster of buildings, with the farmhouse at the centre, makes a positive contribution to this significance.
7. What is now proposed is a single storey structure to connect the farmhouse with the outbuilding. It would be of an oak frame with glazed panels and would be some 6.7m in length and about 3m wide.
8. In my opinion this extension would have a strongly contemporary character and, although it would be predominantly glazed, it would still be a substantial structure with its extensive rafters, its stout supporting pillars and its glass roof being clearly apparent when in the gravelled yard. As such, I consider it would not be visually lightweight or discrete. Rather, it would be a dominant element that would be striking and noticeable against these 2 buildings and would jar in a harmful manner with their harmonious appearance. This impact would be particularly pronounced given its elevated position.
9. Moreover, it would enclose the yard to some degree, thereby changing the relationship between the buildings and reducing the primacy of the farmhouse by undermining its separation and independence, while it would also close off the pedestrian access from in front of the dwelling to the drive to the side.
10. I consider that for these reasons the works would cause harm, albeit less than substantial, to the significance of this designated heritage asset. Moreover, by harming this important listed building they would also cause harm, again which would be less than substantial, to the conservation area.
11. Turning to the effect on the fabric, the proposal would connect to a relatively recent extension on the farmhouse and so would not be harmful in that regard. It is also suggested a door would be formed into the outbuilding, as it is said

the works are intended to '*allow access between each building without being exposed to the weather*'. However, no door opening to the outbuilding is shown on the proposed plan (drawing no 27423/06) and no substantive assessment has been offered of any effect such a door would have on the outbuilding's fabric. Therefore I cannot assume the type of opening that would in fact be formed or assess its impact. Alterations are also proposed to the south-west elevation of the outbuilding. I have no details of the effect, if any, that these would have on the historic significance of that building so I cannot discount harm being caused.

12. In assessing this matter I do not doubt the link could be easily demolished, but I have no reason to consider that would occur in the foreseeable future if the appeals were to be allowed. I also appreciate it would appear distinct from the adjoining historic buildings, but that alone does not offer a justification for works that otherwise do not relate satisfactorily to their historic surroundings.
13. Accordingly, I find that the proposal would cause harm, albeit less than substantial, to the significance of the listed building and the conservation area by reason of its discordant design and its effect on the relationship between buildings and their external circulation. Moreover, there is insufficient information for me to conclude the works would not cause harm to the historic significance of the outbuilding.

Effect on the AONB

14. The site lies within the village, and the works are not extensive and are seen in the context of the surrounding built form. Therefore I conclude the extension would not fail to conserve the landscape or scenic beauty of the AONB and so in this regard would not conflict with the Framework.

Public benefits to weigh against the harm

15. In the Framework one of the core planning principles is the need to conserve heritage assets in a manner appropriate to their significance. Paragraph 132 says great weight should be given to the conservation of a designated heritage asset, and any harm (presumably even if less than substantial) requires clear and convincing justification. In paragraph 134 it goes on to say that where a proposal would lead to less than substantial harm to the significance of such an asset that harm should be weighed against the proposal's public benefits, including securing its optimum viable use.
16. The Appellant said the works would allow the optimum viable use of the outbuilding as there would be a direct link with the house without needing to go outside. However, as stated above the plans before me show no link into the outbuilding. Putting that point aside though, it is already used as a 'snug' by the occupiers of the house, and I have no evidence to show that to be at risk or untenable. Therefore, while a link would allow its use to be intensified, any public benefit arising from that does not outweigh the harm identified.
17. The works may be constructed out of sustainable materials, but that to my mind does not outweigh the adverse effect on the historic environment.

Conclusions

18. Accordingly I conclude that the works would fail to preserve the special architectural or historic interest of this Grade II listed building and the

character or appearance of the Kingston Conservation Area causing less than substantial harm to the significance of these designated heritage assets. In the absence of any public benefits to outweigh this harm I conclude the works would conflict with Policies BE5 and BE6 in the *Canterbury District Local Plan* and the Framework.

J P Sargent

INSPECTOR