

Appeal Decisions

Site visit made on 24 January 2017

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 17th February 2017

Appeal Ref: APP/Y9507/W/16/3160187 (Appeal A)

60 Midhurst Road, Lavant, West Sussex PO18 0BP

- 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 and Mrs J Dickens against the decision of South Downs National Park Authority.
 - The application Ref SDNP/16/01027/HOUS, dated 1 March 2016, was refused by notice dated 29 July 2016.
 - The development proposed is 'rear extension and conversion of outbuilding'.
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Appeal Ref: APP/Y9507/Y/16/3160190 (Appeal B)

60 Midhurst Road, Lavant, West Sussex PO18 0BP

- 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 and Mrs J Dickens against the decision of South Downs National Park Authority.
 - The application Ref SDNP/16/01028/LIS, dated 1 March 2016, was refused by notice dated 29 July 2016.
 - The works proposed are 'rear extension and conversion of outbuilding'.
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Decisions

1. Both appeals are dismissed.

Procedural Matters

2. Appeal A and Appeal B relate to the same site. Whilst I have considered each proposal on its own merits, given that they have much in common, and in the interests of brevity, I have dealt with them in one document.
3. Two sets of alternative plans have been submitted at appeal. However, although both would retain more of the main house and its outbuilding, each would include a different roof design for the link building. Within the context of this appeal building, those alterations would be material. Therefore, in applying the Wheatcroft principles¹, I cannot be assured that their consideration as part of this appeal would not prejudice the interests of interested parties. I am, therefore, making my decision on the basis of the appeal plans alone.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Main Issues

4. 60 Midhurst Road is a grade II listed building located within the Mid and East Lavant Conservation Area (CA). It is also sited within the South Downs National Park (SDNP) and the South Downs Area of Outstanding Natural Beauty (AONB). Having regard to the statutory requirements of sections 16(2) and 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the main issues in this case are:
 - Whether the proposed works and development would preserve the special architectural or historic interest of this grade II listed building and its setting;
 - Whether they would preserve or enhance the character or appearance of the CA; and
 - Whether they would conserve the landscape and scenic beauty in the SDNP and the AONB.

Reasons

Background

5. The appeal site includes a two storey detached house, built as part of the Goodwood Estate. Although used in the past as two semi-detached dwellings, it is now used as one. Much extended and altered over time, particularly at its rear, it has flint walls with red brick dressings and a clay tiled roof. It is set back from the road behind a large frontage with a mainly planted boundary. It has a large rear garden and sits within a spacious plot. At its rear is a detached outbuilding, most probably built as an outhouse for washing or storage, which sits parallel to the main building and has a secondary relationship to it. The layout, scale, form, design, materials and historic fabric of the appeal building and its outbuilding, along with the relationship between the two, contribute to the significance of the listed building as a heritage asset.
6. The appeal site sits in a spacious plot. The space around includes lawns and planted boundaries. It is close to St Nicholas Church and the historic buildings of Mid Lavant. Located close to allotments and green open space, it has a generally semi-rural village setting, which contributes to the significance of the listed building.
7. The appeal site is located within the CA. That Conservation Area includes the buildings within the market village core, including St Nicholas Church. Buildings generally address the streets with large gardens and planting. Surrounded by open countryside, it has a generally semi-rural village character and appearance. The appeal site, its gardens and the listed building, including its outbuilding, positively contribute to that character and appearance.
8. I note a previous planning permission and listed building consent². The appellant indicates that those are extant as some internal alterations and the insertion of an ensuite to one of the bedrooms have been completed. On the basis of the information before me, I have no reason to take an alternative view. However, those schemes are different to that before me. They do not include a link between the main house and the outbuilding and include less loss of historic fabric. Although glazing was included in the elevations of the

² 08/02950/DOM and 08/02957/LBC

outbuilding, it included timber shutters. Those matters differentiate those schemes from the ones before me. In addition, those schemes were approved prior to the designation of the SDNP.

Listed Building

9. The appeal proposal would link the outbuilding to the main dwelling. It would be joined by built form, which, although set in slightly from the edge of the outbuilding and with a lower roof, would be almost as wide as it. The link element, even though predominantly glazed and mainly lightweight, would have some solidity and bulk at roof level and a large footprint. Overall, the effect would be to diminish the historic separate and physically and functionally subservient relationship between the outbuilding and the main house. In coming to this judgement, I have had regard to the fact that appreciation of the width of the proposed link would be from limited viewpoints.
10. Furthermore, the appeal proposal would include the removal of sections of the outbuilding's walls and a section of the rear elevation of the main house, which would, together, result in more loss of historic fabric than those extant permissions. In removing window and door openings in the rear elevation of the main house, it would diminish reference in the listed building's history as two separate dwellings. I acknowledge that the rear wall of the main house has been rebuilt in part and altered in the fairly recent past, but it does provide some evidential value of the existing footprint and a previous use of the listed building. Overall, the loss of historic fabric, in the manner proposed, would further erode an understanding of the history of the listed building. As the historic fabric would be lost, in these circumstances, documentary evidence and recording of the listed building would not overcome my concerns in this regard.
11. Moreover, the bulk of the proposed roof, at the point that it would join the outbuilding would be large in relation to it and significantly alter its simple clear roof slopes. It would include a complex roof form, which would be very close to the simple roof scape of the outbuilding, and would appear out of place. The incorporation of a flat roof element and the use of modern materials such as fibre glass would appear out of place against the simple form of the outbuilding and the historic high quality materials of the listed building. When seen together with the existing rear additions it would diminish the simple, modest, rural, vernacular, character and appearance of the listed building. I acknowledge that the proposed materials could be dealt with by condition and generally would relate appropriately to the historic building. However, the other matters referred to could not.
12. The proposed scheme would include a significant amount of glazing, both as part of the link and in the elevations of the outbuilding. Whilst I note that openings in the outbuilding were approved as part of the extant permissions brought to my attention, the glazed areas proposed would, together, erode the simple and solid appearance of the outbuilding. This would further erode its significance as a heritage asset.
13. The appeal schemes would be sited to the rear of the appeal property and would not materially affect the open space or planting around the listed building as a whole. I therefore consider that they would not adversely affect the semi-rural village setting of the listed building that I have identified.

14. Overall however, I conclude that the appeal proposals would harmfully affect the special architectural or historic interest of the listed building. For that reason they would fail to accord with Chichester District Local Plan First Review (1999) (LP) Policies BE4, BE5, BE11, BE12. Those policies, together, place a high priority on protecting the character and appearance of all buildings of architectural or historic interest and seek new development that would meet appropriate standards of design, construction and layout.

Conservation Area

15. I have found that the appeal property positively contributes to the character and appearance of the CA. I have also found that unacceptable harm to that property would be a consequence of the appeal development and works. It follows, therefore, that the appeal proposal would fail to preserve the character and appearance of the CA. That the rear of the appeal site is visible from the public right of way that runs close to the boundary of the appeal site adds to my concern, in this regard.
16. I conclude that the appeal development and works would fail to preserve the character and appearance of the CA. For this reason, they would fail to accord with LP Policy BE6. That policy seeks, within designated conservation areas and their settings, to preserve or enhance the special architectural or historic character or appearance of the area.

Public Benefits

17. In accordance with paragraph 132 of the Framework, I accord great weight to the conservation of a designated heritage asset. I consider that the harm to the significance of the listed building and the CA would be less than substantial. However, I attach considerable importance and weight to that harm. In this case, no public benefits, as identified in paragraph 134 of the Framework, are before me, which would outweigh that harm. In this regard, I have noted that the proposed schemes would provide enhanced living space, both within the house and garden, for existing and future occupiers, include some internal subdivision to form a study and that they would enhance security.

SDNP and AONB

18. The appeal development and works would be within the SDNP and AONB. The appeal site, being part of the Goodwood Estate, contributes to the landscape and scenic beauty and in particular the cultural heritage of the SDNP and AONB. I have found that unacceptable harm to that listed property would be a consequence of the appeal development and works. It follows, therefore, that the appeal proposals would fail to conserve the landscape and scenic beauty of the SDNP and AONB. In accordance with paragraph 115 of the National Planning Policy Framework (the Framework), to this harm I attach great weight. Whilst I note that the Council did not raise objection to the effect of the appeal on the AONB within its reasons for refusal, its designation has been brought to my attention and I have has regard to it.
19. I conclude that the appeal schemes would fail to accord with LP Policy RE1. That policy seeks development or works in rural areas generally that comply with other policies of the LP including those already mentioned in my decision and those which seek new development that would meet appropriate standards of design, construction and layout in rural areas generally. It would also fail to

accord with the purposes of designation of the SDNP, which includes conservation.

Other Matters

20. I acknowledge that the appeal schemes may give the outbuilding a new function as part of the main dwelling. However, its historic use is as an outbuilding and its maintenance is a duty of the owner whether it is used as living space or not. At the time of my site visit it was used as storage of household and garden goods and logs. Whilst it may not be secure at present, it could be made secure with limited adaptation. As it is close to the main house, I am not persuaded that it is vulnerable to vandalism or anti-social behaviour.
21. I note that the Council did not attend site during consideration of these applications. The appellant also suggests that it provided limited feedback as part of the decision making process. This is noted, but the way in which the applications were determined is a matter between the appellant and the Council in the first instance.
22. I have noted that the appellant, in submitting the appeal applications, wished to improve on the existing approved schemes. I acknowledge the efforts made in this regard. However, I have come to a different view on this matter.
23. I have noted local development and works brought to my attention at Chalkpit Cottage. However, whilst the general principles are noted, that scheme is a different design which results in a different relationship between the outbuilding and the main house. I also note that those schemes were approved some time ago. (2011)
24. I have noted the intention to record the walls of the house and outhouse that would be lost as a consequence of the appeal. However, as this would not adequately mitigate the loss of historic fabric, it does not overcome my concern.
25. Whilst I note the Council's suggestions regarding alternative approaches, I have made my decision on the basis of the schemes before me.

Conclusion

26. For the above reasons, and taking all other matters raised into consideration, including the support of the Parish Council, I conclude that both appeals should be dismissed.

R Barrett

INSPECTOR