
Appeal Decision

Site visit made on 28 March 2017

by Paul Jackson B Arch (Hons) RIBA

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

Decision date: 4 April 2017

Appeal Ref: APP/E2205/W/16/3165958

**Land adjacent (east) of The George Inn, The Street, Bethersden, Kent
TN26 3AG**

- 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 T Le Beau against the decision of Ashford Borough Council.
 - The application Ref 16/00482/AS, dated 31 March 2016, was refused by notice dated 6 July 2016.
 - The development proposed is construction of new house on land formerly the beer garden of The George Inn.
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Preliminary matter

1. On the application form, the site address is indicated as being to the east of The George Inn. The appeal form correctly positions it to the west and I have considered the appeal on this basis.
2. The appellant advises that the appeal site is now a private space. At the site visit, the site contained tables and chairs and as far as could be ascertained was still being used as the main external eating and drinking area associated with The George. I have considered the appeal accordingly.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Bethersden Conservation Area;
 - The effect of the proposal on community facilities in Bethersden;
 - The effect on the setting of The George Inn, which is a listed building at Grade II;
 - The effect on the setting of St Margaret's Church, which is a listed building at Grade I; and
 - The effect on the living conditions of future occupiers, by reason of noise and disturbance.

Reasons

5. The centre of Bethersden is characterised by a variety of traditional Kentish buildings grouped around St. Margaret's Church, including shops and dwellings. The layout of the buildings is informal with a variety of plot sizes, front gardens
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and boundary treatments. The George is a prominent detached 18th century pub on a gentle bend close to the road but with large gaps on each side. These are used as a car park on the east side and a pub garden on the west. The gaps draw attention to and accentuate its position in the street. In general, the area around the church is characterised by larger gaps between buildings than other parts of the conservation area. A field (The George Field) behind the pub separates the older part of the village from more modern areas of housing to the south. The open spaces at the centre of the village reinforce its rural character and origin. The Bethersden Design Statement draws attention to the need to protect views of the church, which permeate the settlement.

6. The new dwelling would be located in the existing pub garden immediately adjacent to the pub and the tables and benches for customers relocated to a grassed area behind the pub adjacent to the service yard. The overall appearance of the new house would be typical of many contemporary commercial housing developments but it would be constructed of traditional materials. There is considerable variation in the age and architecture of dwellings in the area and in spatial relationships between buildings in The Street. As an individual dwelling, in principle, the design would be acceptable. The materials used would blend in and would not appear unusually out of keeping. The alterations to the hedging along The Street would not compromise the street scene or the landscape qualities that contribute to the heritage significance of the conservation area.
7. However, the new dwelling would be very close to the pub and the corners of each building would almost coincide, creating a narrow gap between old and new that would be very apparent seen from the front and rear. The existing spacious feel around the pub would be eroded and the obvious constriction further emphasised by new close boarded fencing which would be positioned somewhat awkwardly to allow customers of the pub to continue to use the side door to reach the repositioned pub garden area at the rear. Altogether, this arrangement would appear mean and cramped.
8. Importantly, customers in the existing garden currently enjoy the view of the mellow stone of the church and the sunset. From the proposed new pub garden this view would be completely obscured by a new unremarkable dwelling of no special interest. In the evening, much of this garden would also be in shade cast by the new house. One of the ways in which the conservation area is best appreciated and understood by many is from the existing pub garden.
9. The staggered siting of the building would further partially obstruct existing views through from the George Field to the Church, which are already restricted by recent development in George Grove and by Dragon House, a tall building at the back of the pub car park. The proposed further infill of this important gap would not preserve the character of the conservation area as it is perceived by users of the important space in the George Field.
10. I conclude that the development would conflict in these ways with the heritage protection and design quality aims of policies EN16, HG3 and TRS1(d) of the Ashford Local Plan of 2000 (LP) and policies CS1 and CS9 of the Core Strategy of 2008 (CS). LP policies are of some age and having regard to national guidance on conserving and enhancing the historic environment in the National

Planning Policy Framework (NPPF) of 2012, the heritage significance of the conservation area would be detrimentally affected.

11. Turning to the effect on community facilities, the representations clearly indicate the value placed on the existing pub garden by local people and from farther afield. The pub with its existing side garden is designated as an Asset of Community Value. Whilst I accept that there is no direct evidence to show that the suggested alternative smaller pub garden location at the rear would threaten the viability of the pub, there is no question that the existing much larger garden enhances it. The garden is directly accessed from the street and from a side door of the pub which allows customers to easily pass through with food and drinks. The alternative proposed narrow passage would be constrained and unwelcoming. Moreover, the existing garden is used for events which require the erection of a marquee. I do not doubt that the marquee could be physically put up in the proposed alternative garden to the rear, but there would not be nearly the same amount of space for tables, chairs, circulation and entertainment. There would be no attractive view. Advice from Historic England in *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (GPA3) is that the economic and social viability of a heritage asset can be diminished if accessibility from or to its setting is reduced by badly designed or insensitively located development. I conclude on this issue that the development would conflict directly with paragraph (c) of policy TRS1 of the Tenterden and Rural Sites Supplementary Planning Document (SPD) of 2010. It would also conflict with the aim of the NPPF at paragraph 28 which is that to promote a strong rural economy, policies should promote the retention and development of local services and community facilities in villages such as public houses amongst other things.
12. With regard to the effect on the settings of listed buildings, by reason of consideration of ownership both past and present, functional association and layout, the existing pub garden forms part of the curtilage of the public house. This not affected by any future change in ownership or the fence currently separating the side garden from the rear area. The historic linkage is confirmed by virtue of the direct access from the street to the garden and the door from the bar directly into the garden. The side garden contributes strongly to the significance of the listed building because it forms part of its setting which enables the pub to have the prominence it has in the street and also because customers pass in and out of the pub through the side door. It is an important part of the experience of using the building. Furthermore, GPA3 advises that views which contribute more to understanding the significance of a heritage asset include those where relationships between the asset and other historic assets or places or natural features are particularly relevant; in this case, that includes the view of the church. I conclude that the setting and heritage significance of The George would be significantly harmed by the proposal.
13. The setting of the church, on the other hand, comprises much more than just the pub garden. Whilst the addition of a new dwelling in materials similar to other buildings in the conservation area would not compromise anyone's understanding of the setting or the heritage significance of St Margarets seen from The Street, the further restrictive impact on views towards the Church from the important communal space in George Field at the centre of the village would be harmful. This would amount to 'less than substantial harm' in the terms used in the NPPF. In such cases, the effect on the settings of heritage assets and the effect on the conservation area need to be balanced against the

benefits of the scheme, but the addition of a single dwelling to the village falls short of outweighing the level of harm that would be caused.

14. The proposed alternative pub garden at the rear would be only a few metres from the rear windows of the proposed dwelling. The proposed smaller pub garden would be busy and likely to be the source of considerable noise and disturbance because of voices, music, amplification at times during functions and the general clatter and business of a public house. It is likely that many future residents, who may not be associated with the pub business, would consider this to be an unacceptable nuisance at such close quarters. The existing garden is larger and further away from any other dwellings and is long established as a community resource. A core principle of the NPPF is that a good standard of amenity should be sought for all existing and future occupants of land and buildings. Moreover, controls that may be necessary to mitigate the nuisance would be likely to affect the viability of the business to some extent.

Other matters

15. I have had regard to policies of the emerging Ashford Local Plan 2030, but due to the stage it has reached in preparation the plan at present can be afforded little weight.
16. Planning permission for a new 2 bed dwelling was renewed in 2012 (the earlier permission was dated 2009) at Southside, west of the appeal site. However the circumstances are different. The approved dwelling is considerably smaller than the appeal proposal and would not have appeared as cramped. A significant gap would have remained between the pub and the proposed house. This permission has now lapsed. Whilst it is a material consideration, it does not form a precedent for the appeal proposal.

Conclusion

17. I have taken account of all the other matters raised. The harmful effect on the character and appearance of the conservation area and the harm caused to the settings and heritage significance of The George Inn and church would not be outweighed by the public benefits and would conflict with LP and CS policies and advice in the SPD as well as national policy in the NPPF. It is likely that there would be an unacceptable impact on the living conditions of future residents by reason of noise and disturbance. For all these reasons, the appeal must be dismissed.

Paul Jackson

INSPECTOR