

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: 27 April 2017

Appeal Ref: APP/E2205/Y/16/3162994

St Mary's Church, Church Lane, Hastingleigh, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Hastingleigh Parochial Church Council against Ashford Borough Council.
 - The application Ref 16/00880/AS is dated 8 June 2016.
 - The development proposed consists of construction of a single storey extension of 9.7 square metre footprint area on the north side of the church to provide simple domestic facilities with same-level wheelchair access to the building and emergency exit door.
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Preliminary matter

1. Listed building consent is not required for the alteration or extension of a listed ecclesiastical building. The application is considered under planning legislation.

Decision

2. The appeal is allowed and planning permission is granted for construction of a single storey extension of 9.7 square metre footprint area on the north side of the church to provide simple domestic facilities with same-level wheelchair access to the building and emergency exit door at St Mary's Church, Church Lane, Hastingleigh, Kent in accordance with the terms of the application, Ref 16/00880/AS dated 8 June 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) No demolition/development shall take place until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
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- vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 3) No demolition/development shall take place other than in accordance with the Written Scheme of Archaeological Investigation approved under condition 2.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: RY02, RY05, RY06, RY07, RY08, RY10 and RY12 options A-C.
- 5) Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local planning authority in writing within 1 working day of their being revealed. Works shall be immediately halted in the area/part of the building affected until provision has been made for the retention and/or recording in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 6) No development shall take place until the detailed design of foundations, drainage and a method statement relating to carrying out of the enlarged door opening have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the approved method statement.
- 7) The alterations to the existing door jambs shall be carried out by hand or by hand-held tools only and the materials stored for re-use.
- 8) No development shall take place until details of the design of the new doorway and the extension including drawings at a scale of no less than 1:10 or 1:20 as appropriate have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) No development shall commence until details of the measures to be taken to secure the safety and stability of the parts of the building which is to be retained have been submitted to and approved in writing by the local planning authority. Such measures shall include strengthening or supporting any wall and protecting against the weather. The development shall be carried out in accordance with the approved details.
- 10) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) earthworks showing existing and proposed finished levels or contours;
 - ii) retaining structures;
 - iii) pedestrian access and circulation areas;
 - iv) hard surfacing materials;

- v) lighting;
- vi) proposed and existing functional services above and below ground including drainage, power, communications cables and pipelines indicating alignments, levels, access points, supports as relevant;
- vii) retained historic or other landscape features and proposals for restoration, where relevant;
- viii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme.

- 12) No development shall take place until details of the design, implementation, maintenance and management of the foul drainage system shall have been submitted to and approved in writing by the local planning authority. Those details shall include:
- i) a timetable for its implementation; and
 - ii) a management and maintenance plan for the lifetime of the development.

The foul drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reasons

3. The proposal consists of a small side extension at the rear of the nave containing a disabled wc and a small kitchenette. The extension would be accessed by opening up an existing doorway blocked up in 1879. The purpose of the extension is to provide additional facilities which would enhance the usability and day to day functioning of the building which is used for concerts and other activities as well as for regular services. An important benefit is the provision of access for the disabled. Currently access from the porch at the west end involves descending a number of steps.
4. The building originates from the 11th century with important additions and alterations carried out up to the 14th century. Subsequent changes have been made to the interior and fittings. The church is listed at Grade I, the highest possible grade. The main issue is the effect of the proposed development on the heritage significance of the church, having regard to the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), which says that special regard must be paid to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess. Other relevant policy is set out in the National Planning Policy Framework (NPPF) which indicates at paragraph 132 that significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. It goes on to state *'As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.....Substantial harm to or loss of designated heritage assets of the highest significance, notably grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*
5. Paragraphs 133 and 134 provide advice on the course that decision makers should adopt in the event of 'substantial' or 'less than substantial' harm taking place. In both cases, the guidance envisages that loss can be deemed

- necessary to achieve public benefits. In principle, any harm or loss requires clear and convincing justification. Where substantial harm to or total loss of significance of a designated heritage asset may occur, consent should be refused unless the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
6. The doorway that would be utilised to provide access is located in a wall that is recognised to have been undisturbed since the middle ages. Removal of only the 19th century infill material to recreate the opening as it was originally built would provide insufficient width or height for practical use.
 7. Following consultation, the appellant has put forward 4 options for the new door together with drawings illustrating the practical implications of providing the new facilities by other means. Importantly, approximately half of the external moulded reveals of the external opening were replaced with Bath stone at the same time that the door was blocked up as part of the Prideaux restorations in 1879. Whilst this adds to historic interest, it also indicates that any further alterations would be to work originating in the 19th century as well as earlier masonry.
 8. The widening and raising of the external part of the doorway can be carried out incorporating the original reveals and original arch with a new keystone. The original rendered knapped flint walls around the opening would need to be altered and repaired but it is unlikely that the materials used in this location are different to the rest of the church. The amount of harm to this original fabric would be relatively small. It would be less than substantial harm in terms of the NPPF. In my view the proposal represents a proportional response to the need to provide significant public benefits.
 9. I have paid careful attention to the other possible solutions identified by Historic England in their submissions and the comments of the Council's heritage advisor. The various options for relocating toilet and/or kitchen facilities within the nave would in my view diminish the architectural heritage significance of that space in visual and perceptual terms for day to day users, especially located near the main entrance where they would be very visible on exiting the building. They would also reduce the seating capacity of the church. Although internal alterations may be a practical solution in many other cases, the addition of toilet partitions and ramps (demountable or otherwise) would be visually intrusive in this building where there is a need to accommodate a significant change of level. The proposed external extension avoids these difficulties and would be sympathetic to the architectural form and heritage interest of the church.
 10. Turning to the range of options for remodelling of the external arch on drawing RY12, option C is the least intrusive to the fabric which would provide the required width, which for a wheelchair should not be more than 812 millimetres, about 150 wider than the existing opening. The original arch would be raised but would retain its form and original material. Options A and B would be minimal but do not provide sufficient width for disabled access. Option D would involve substantial remodelling without any significant advantages over option C.
 11. Heritage assets are an irreplaceable resource. Their conservation for future generations depends on viable uses being continued or found. 'Conservation Principles' of 2008, published by English Heritage (in its former role as the

advisor to Government on heritage assets) advises that '*conservation is the process of managing change to a significant place in its setting in ways that will best sustain its heritage values, while recognising opportunities to reveal or reinforce those values for present and future generations.*' The guidance goes on '*Potential conflict between sustaining heritage values of a place and other important public interests should be minimised by seeking the least harmful means of accommodating those interests*'.

12. This is a case where a proportionate interference with important historic fabric is justified to facilitate the ongoing usefulness and function of the building. I conclude that with appropriate conditions, the requirements of policy EN23 of the Ashford Borough Local Plan 2000, policies CS1, CS2, CS9 and CS20 of the Local Development Framework Core Strategy of 2008, and emerging policies of the Local Plan to 2030 would be complied with. The benefits of options, A, B or C for the new opening outweigh the less than substantial harm that would be caused to existing fabric and the proposal would not conflict with the heritage conservation aims of the NPPF.

Conditions

13. Conditions are imposed to require a scheme of archaeological investigation, details of the proposed foundations and details of measures to protect the existing fabric, in order to protect the heritage interest of the building. A planning condition is imposed to ensure that any historic or archaeological features found are kept and recorded. Details of the new external finishes are required to ensure that the new extension is sympathetic and subservient to the church building. Landscaping of the pedestrian access needs to be controlled for the same reason. Details of the drainage are necessary to ensure that there is no unacceptable impact on neighbouring properties or groundwater sources. Finally, the development must be constructed in accordance with the approved drawings, including options A, B or C on drawing RY12, in the interests of good planning and for the avoidance of doubt.
14. For all the above reasons, the appeal should be allowed.

Paul Jackson

INSPECTOR