
Appeal Decisions

Site visit made on 24 April 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/G2245/W/16/3163898

Lilac Cottage, Rogues Hill, Penshurst TN11 8BD

- 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 & Mrs Mowat against the decision of Sevenoaks District Council.
 - The application Ref SE/16/02107/HOUSE, dated 1 June 2016, was refused by notice dated 14 September 2016.
 - The development proposed is a part replacement single story extension.
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Appeal Ref: APP/G2245/Y/16/3163900

Lilac Cottage, Rogues Hill, Penshurst TN11 8BD

- 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 & Mrs Mowat against the decision of Sevenoaks District Council.
 - The application Ref SE/16/02108/LBCALT, dated 1 June 2016, was refused by notice dated 14 September 2016.
 - The works proposed are a part replacement single story extension.
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Decisions

1. The appeals are dismissed.

Preliminary Matters and Main Issue

2. The appeal site lies within the Green Belt. The Council consider that the proposal accords with policy GB1 of the ADMP¹, which concerns limited extensions to dwellings in the Green Belt. The National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions, including the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building. Based on all that I have seen and read I have no reason to disagree with this view. The proposal would therefore not be inappropriate development in the Green Belt.
3. However, this does not mean that the proposal would be automatically acceptable in terms of other planning issues. The Council refused the applications on the effect of the scheme on the surrounding Conservation Area and the character of the host listed building. Therefore, the main issue in

¹ Allocations and Development Management Plan, February 2015, Sevenoaks District Council

these cases is whether the proposal would preserve the special architectural and historical interest of the Grade II listed building, and preserve or enhance the character or appearance of the Penshurst Conservation Area.

Reasons

4. Lilac Cottage is Grade II listed along with the adjacent cottages on either side. The row of 3 houses, dated 1867, are designed, probably by George Devey, in a picturesque manner to appear as a single Wealden house. The properties have 2 storeys and an attic, and a steeply pitched high roof. The adjoining properties have tile hung gabled frontages, with Lilac Cottage being the recessed centre between the gables, with overhanging eaves supported on arch braces. This centre is half timbered with partially decorated plaster infill. To the rear of the buildings it is more evident that 3 houses are present, with varying extensions and outbuildings located to the rear of the tile hung gabled rear. The special interest of the cottage, at least externally, is largely defined by its highly designed and detailed form and its interaction and symmetry with the neighbouring cottages as part of a designed whole.
5. Penshurst Conservation Area (PCA) covers the majority of the village, and is centred upon the village core where the church, public house and entrance to Penshurst Place are located. A large part of the PCA covers open fields and Penshurst Park. The PCA appraisal² notes that the area was primarily designated as the village is an interesting example of a medieval village, tightly concentrated around the church and the great house. The appraisal also notes the 19th century developments on Rogues Hill, such as the appeal site, as additional development on what was the site of an outlying farm and notes that they are architecturally valuable and worthy of preservation.
6. Policy EN4 of the ADMP states that proposals that affect a heritage asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset. The Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses. Section 72(1) of the same act states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. To the rear of Lilac Cottage there is presently a pitched roof single storey extension with two slightly varied ridge heights. This extension projects out to a similar building line as an outbuilding located to the rear of the property on the northern side of the cottage. The proposal seeks to largely remove this extension, replacing with a longer one. This would have a pitched roof form to the majority of its length, with a hipped end at the closest part to the cottage. A thin flat roof section would join the structure to the property. Five rooflights would be inserted into the roof, with a light tube in the flat roof element. The overall ridge of the building would be higher than in the existing extension, with the hip and flat roof section allowing the building to avoid conflict with a first floor bedroom window.
8. Whilst the pitched roof element of the proposal would be steeper than the existing extension, and so would be closer to the steeply pitching roof lines of

² Penshurst Conservation Area Appraisal Supplementary Planning Guidance March 2001, Sevenoaks District Council

the original cottage, the remainder of the roof form would not play a subordinate role, contrasting adversely with the roof and rear elevation of the original cottage. The hip and flat roof elements of the extension would be overly complicated and detract from the simple, yet distinctive roof of the main dwelling. Whilst the existing extension has a shallower pitched roof than the main building, its modest size and simple design allows it to remain fully subordinate to the main dwelling, in a way that the complicated overall roof form of the proposal would not. The depth of the proposal would be longer than the existing depth of the original house, and this scale of the extension would add to the overall adverse visual effect of the proposal.

9. The appellant quotes from Historic Scotland guidance, considering that the flat roof would allow the building to appear as almost a stand-alone element, maintaining the visual integrity of the original cottage. A neighbour also writes in support of the scheme, noting that the cottages used to have more built development to the rear of them, and considers that large back extensions are typical of the Victorian style.
10. However, and notwithstanding the fact that the quoted guidance is Scottish, this relates to small buildings which require extensions to give them purpose, whereas the appeal site in this instance has an existing extension. Whilst I can appreciate that previously more outbuildings may have been present, I have little details of the design of such structures. The flat roof and adjoining hip would not I consider be read as a separate outbuilding, instead creating a slightly confusing juxtaposition with the rear elevation of the main building, detracting from the significance of the listed building, and from the PCA to which the cottage makes an important contribution. I note that the materials proposed are sympathetic to the original cottage and the surrounding area; however, this does not outweigh the adverse effects of the overall design of the proposal.
11. As well as the metropolitan Green Belt, the appeal site also lies within the High Weald Area of Outstanding National Beauty (AONB). In this context the appellants note that the Council state in their officer report that to comply with Policy GB1 the extension is required to be proportional and subservient to the original dwelling, and that in terms of the AONB the proposal would respect the scale of the host dwelling, conserving the character of the landscape.
12. I can understand these concerns. However, and notwithstanding my statutory duties under the Act, I consider that policy GB1, whilst referred to design primarily concerns the volume of a proposal. This accords with paragraph 89 of the Framework, which only considers proportionate extensions to buildings as not inappropriate in terms of size.
13. Policy EN5 of the ADMP concerns AONB's and states that proposals within such areas will be permitted where the form, scale, materials and design would enhance and conserve the character of the landscape. The scale of the proposal is relatively small scale, and this, when combined with its location at the rear of the cottage with limited public views available means that I consider that the scheme would have a negligible effect on the wider AONB. However, this does not mean that the proposal would not have an effect on the listed building and any features or architectural interest it possesses.
14. The Framework makes it clear that when considering the impact of a proposed development on the significance of a listed building, great weight should be

given to its conservation. Significance can be harmed or lost through alteration of the heritage asset, and as they are irreplaceable, any harm should require clear and convincing justification. For the reasons given above, I consider the proposal would result in harm being caused to the significance of this listed building. However, given the lack of effects on the historic fabric of the original part of the cottage and the siting of the proposal to the rear of the property, I am satisfied in this case that the degree of harm caused would be less than substantial.

15. In such situations this harm should be weighed against the public benefits of a proposal, including securing the asset's optimum use. I can appreciate that the extension would enhance the appellants' enjoyment of the property and contribute to continuing custodianship. However, leaving aside whether the appellants' enjoyment of the property can be properly regarded as a public benefit, it appears to function as a dwelling already. It is well maintained and seemingly in good repair, and it has not been shown that its continued occupation is in anyway dependent on the proposed development. As a consequence, what public benefits there might be are insufficient to outweigh the harm caused.

Conclusion – Appeals A and B

16. To summarise I consider that the proposed extension would cause less than substantial harm to the significance of this Grade II listed building, and would not preserve its special architectural or historic interest; neither would the scheme preserve or enhance the character or appearance of the Penshurst Conservation Area. It has not been shown that public benefits would outweigh this harm, and the proposal would conflict with the Framework and the ADMP Policy EN4. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeals should fail.

Jon Hockley

INSPECTOR