
Appeal Decisions

Site visit made on 18 July 2017

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 7th August 2017

Appeal A: APP/C1435/W/17/3171454

1 Thatch Cottages, Hempstead Lane, Hailsham BN27 3AA

- 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 D Paterson against the decision of Wealden District Council.
 - The application Ref WD/2016/2514/F, dated 15 October 2016, was refused by notice dated 15 February 2017.
 - The development proposed is single storey hardwood conservatory.
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Appeal B: APP/C1435/Y/17/3171455

1 Thatch Cottages, Hempstead Lane, Hailsham BN27 3AA

- 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 D Paterson against the decision of Wealden District Council.
 - The application Ref WD/2016/2515/LB, dated 15 October 2016, was refused by notice dated 15 February 2017.
 - The works proposed are single storey hardwood conservatory.
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Decisions

1. I dismiss both appeals.

Main Issue

2. In both appeals this is the effect of the proposal on the architectural or historic significance of the listed building and its setting.

Reasons

3. The Officer's Report states that the building is within the development boundary of Hailsham and it is unclear why Policies GD2 and DC19 of the Wealden Local Plan are referred to. Policy EN27 on good design is clearly relevant. The Wealden Core Strategy Local Plan 2013 contains Policy SPO2 which seeks to protect the intrinsic quality of the historic environment, Policy SPO13 which seeks high quality, safe and attractive living environments, and Policy WCS14 which states a presumption in favour of sustainable development.
4. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as this Grade II listed building and its neighbour, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

- require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
5. The evidence is that the building was originally a single dwelling and on another site and with much of the frame dating from the 14th century. It was apparently moved onto the present site in the early 18th century, although the Council states that this could have occurred prior to that time. It is also stated that the tiled area, or aisle, that runs across the rear of the building dates from the time of the building's relocation on this site. Evidence seen above the entrance to the kitchen from the garden indicates this sequence of events. The building is now in use as two separate dwellings, the appeal property being the eastern part.
 6. The historic significance of the building therefore resides not only in the original timberwork and remaining floor plan, but also should include the later 'aisle' as indicating the evolution of the building. The architectural significance is in the thatched and tiled roof and the overall form of the building, including the evidence of later additions. It is the case however that much of the rear wall and the French doors are of little significance other than delineating the form of the building. Later additions to the east are not significant but will be referred to later in consideration of the alternatives mentioned by the Council.
 7. The proposal is a conservatory, and the appellant's comment on the Council's reference to an orangery is noted. The structure would have glazing above a dwarf wall to the east and south sides, and a full height masonry wall to the west where glazing would otherwise face the wall on the boundary with number 2. The roof would be glazed in a pyramid form such that there would be a valley gutter at the junction with the house. The conservatory would link with the house at the location of the French doors and the relative levels and headroom result in an area of the tiled rear roof being cut into with the lead gutter and flashing being a prominent feature.
 8. Virtually all of these features were visible on a conservatory erected in a similar position to the rear of number 2, an exception being the full height masonry wall. Certainly the cutting into the tiling and the lead gutter were seen, as was a prominent pyramid roof. This was granted permission and consent in late 2008 (Refs; WD/2008/2637/f and WD/2008/2638/LB). In addition, that neighbouring house has rooflights inserted into the tiled lower roof.
 9. The Council state that it is a material consideration that this neighbouring application in 2008 for similar work was granted prior to the introduction of the Framework '*which introduced more stringent requirement relating to heritage assets*'. It is unclear what the significant change in requirements may have been, as much of Central Government policy was similar throughout the currency of Planning Policy Guidance Note 15 '*Planning and the Historic Environment*' from 1994 to 2010. The publication of Planning Policy Statement 5 '*Planning for the Historic Environment*' in 2010 and subsequently of the National Planning Policy Framework referred to certain procedural concepts of balancing public benefits, and the courts have more recently determined that considerable importance and weight should be given to harm found to the significance of listed buildings. However, the statutory requirements of Sections 16(2) and 66(1) as set out above have remained unchanged since the 1990 Act.

10. Be that as it may, each case is to be determined on its merits, and the harm that the Council now imply has been caused to the other half of the pair does not indicate that similar harm is acceptable at the appeal site. Rather, the largely un-altered state of the rear of the appeal property as compared with that next-door indicates that its heritage value is higher as representing an unharmed condition.
11. The works necessary to gain the headroom and access through the French doors would cause harm to the presentation and understanding of the rear tiled area, and necessitate the removal of historic fabric. The introduction of the conservatory into the space outside the rear of the dwelling would harm the setting of the building and erode the space that should surround the garden elevation, introducing an alien building form and detailing. The level of harm is 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
12. There does not appear to be a risk of the building falling out of residential use for the want of the additional accommodation, notwithstanding the limited size of the dwelling, and its use as a dwelling should be regarded as being the optimum use since that is what it was originally built for, albeit in another location. The architectural and historic significance of the building would be compromised by the proposal and there is no justification sufficient to outweigh the harm. It is the case that the works would not be seen from public places, but the significance of listed buildings may reside in areas hidden from any view, so that very limited weight can be attached to this matter. The possibility referred to by the Council of forming a further addition to those to the east adds weight to this finding.
13. As a result, the proposal would not be of the standard sought in Policy EN27 and would fail to accord with Policies SPO2 and SPO13. It would fail the statutory tests in Sections 16(2) and 66(1) of the 1990 Act and the requirements of the Framework on the preservation of listed buildings would not be met. For the reasons given above it is concluded that both appeals should fail.

S J Papworth

INSPECTOR