
Appeal Decisions

Site visit made on 5 December 2017

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 15th December 2017

Appeal A: APP/Z3825/W/17/3180848

Smithawe Farm, Nowhurst Lane, Broadbridge Heath RH12 3PJ

- 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 Mrs Rachel Barnard against the decision of Horsham District Council.
 - The application Ref DC/17/0711, dated 28 March 2017, was refused by the Council by notice dated 22 May 2017.
 - The development proposed is a new two-storey rear extension to the existing dwelling and new double garage with limited associated external works.
-

Appeal B: APP/Z3825/Y/17/3180929

Smithawe Farm, Nowhurst Lane, Broadbridge Heath RH12 3PJ

- 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 Mrs Rachel Barnard against the decision of Horsham District Council.
 - The application Ref DC/17/0712, dated 28 March 2017, was refused by the Council by notice dated 22 May 2017.
 - The works proposed are a new two-storey rear extension to the existing dwelling and new double garage with limited associated external works.
-

Decision Appeal A

1. I dismiss the appeal insofar as it relates to a new two-storey rear extension to the existing dwelling. I allow the appeal insofar as it relates to the garage and grant planning permission for new double garage and associated works at Smithawe Farm, Nowhurst Lane, Broadbridge Heath RH12 3PJ in accordance with the terms of the application, Ref DC/17/0711, dated 28 March 2017, and subject to conditions 1) to 4) on the attached schedule.

Decision Appeal B

2. I dismiss the appeal insofar as it relates to a new two-storey rear extension to the existing dwelling. I allow the appeal insofar as it relates to the garage and grant listed building consent for the removal of the existing garage and replacement double garage and associated works at Smithawe Farm, Nowhurst Lane, Broadbridge Heath RH12 3PJ in accordance with the terms of the application, DC/17/0712, dated 28 March 2017, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to conditions 1) to 3) on the attached schedule.

Main Issue

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

Reasons

4. 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. 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, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
5. These duties are reflected in Policy 34 of the Horsham District Planning Framework on cultural and heritage assets. Policy 32 is a strategic policy which seeks high quality design which complements the heritage of the District and Policy 33 sets out development principles covering the scale and massing of development. Whilst Section 38(6) of the Planning and Compulsory Purchase Act 2004, stating the primacy of the Development Plan, applies to the planning appeal, these policies are a material consideration only in the listed building consent appeal.
6. The first observation is that the Council has no objection to the replacement garage and this does not feature in the reasons for refusal. The garage would be larger than that presently in place, but would not cause harm to the character and appearance of the area. Whilst in the curtilage of the listed building the proposal would not harm its setting. Planning permission should be granted for this development which accords with Policies 32, 33 and 34 as well as section 66(1) and the relevant parts of the Framework on the setting of designated heritage assets. It is noted that the house was listed in 1980 and it is unclear at what date the garage would have been built and whether it should be considered a curtilage structure. In order to avoid unintended problems in the future, listed building consent should also be granted for demolition and replacement.
7. Turning to that part to which the Council do object, the two storey rear addition, this would replace an addition that has a flat roof. The Council's Report refers to this flat roof part, among the other previous additions to the building, as being '*old enough to constitute and important part of the listed status*'. Certainly the flat roof addition is a part of the listed building, but it is by no means an important part of the building's architectural or historic significance.
8. The flat roof has no intrinsic value and detracts substantially from the significance of the listed building by introducing a discordant feature, reducing the significance of the main house roofing material and form, and eroding the architectural quality in views from the garden as well as public views from the lane. The removal of that feature would be a benefit.

9. The proposed works involve that removal and the construction a rearward addition to the building, extending past the line of the present 2 storey projection on the south side. There would remain a gap between the new work and the single storey further projection to the south, apparently to preserve the light to a kitchen window. A new roof to the whole north wing would have a hipped outer end, in keeping with that of the existing 2 storey addition alongside, and would be projected back over the original building to cut into the roof plane at about the same height as the southern roof.
10. The significance of the listed building is displayed at the front as the stone wall that re-fronted the building, and the Horsham slab roof, and to both gable ends in different ways, showing the history of construction of the building. To the rear, the main roof and chimneys are of particular significance, with the lower two-storey rear wing appearing as an attractive subservient projection.
11. The proposed addition would vie with the existing two storey addition, being much the same eaves and ridge height, and would appear as a non-authentic symmetrical pair, eroding the significance of the main roof and risking an unattractive clash at the gutter lines, where a valley gutter has to be introduced. The gap at the kitchen window would appear contrived and the effect would be an erosion of the architectural interest and significance of the building. The new addition would not be subservient to either the main range or the rear southern wing, and would appear out-of-place.
12. The formation of the junction of the proposed roof with the main roof would remove the flat roof area, but would also remove some historic fabric of the slab roof covering, as well as reducing the dominance and interest of the rear roof slope. The works to the tile hanging of the present flat roofed rear projection does not appear to be of great significance, but that of the existing south projection would be a loss.
13. There would therefore be harm to the architectural and historic interest of the listed building. 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.
14. The appellant puts forward three main objectives for consideration. The first is stated to be the most important, and that is to bring about the repair of the roof and tall chimney to the west side. These are both areas of substantial importance to the preservation of the building. However, the reason why this has not been addressed up to now is stated to be doubts over possibility of forming the appeal addition, as works to the roof would have needed to be re-done or might be abortive if the addition were to go ahead afterwards. The reasoning is understandable, but does not justify the proposed addition.
15. The second is the removal of the flat roof, and that does carry weight in this consideration, and is also a public benefit. However, it merely replaces one element of harm with another and in the balance, the harm that the replacement roof brings about is not justified by the benefit.
16. Lastly, the addition would provide a larger bedroom for a family member as their existing bedroom is small and under the eaves, together with a new garden room. There are public benefits in improving a listed building to ensure its long term care from a dedicated owner, and the appellant states such an

aim. But, that aim must not be allowed to cause undue harm to the listed building. In the balance, neither this justification nor the three together are sufficient to outweigh the harm. The optimum viable use of the building is as a family home, and nothing indicates that this would be at risk for the want of the addition as proposed.

17. To conclude, whilst the garage is acceptable and should be granted permission and consent, with conditions controlling materials and the nature of the rooflights, the works to the main house would cause unjustified harm, contrary to Policies 32, 33 and 34, and the requirements of the Framework with regard to designated heritage assets. The proposal would not satisfy the statutory tests in the 1990 Act. For the reasons given above it is concluded that the appeal should be allowed in part and dismissed in part.

S J Papworth

INSPECTOR

Schedule of Conditions Appeal A, Planning Permission

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as are relevant to that part of the development hereby permitted: PL01C (regarding the location of the garage) and PL02A.
- 3) No development above slab level shall take place until a schedule of materials and finishes and colours to be used for external walls and roofs of the approved garage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
- 4) The rooflights hereby approved shall be metal framed, painted black, and fitted flush with the adjoining roof surface, shall not project above the plane of the roof and shall be retained as such thereafter.

Schedule of Conditions Appeal B, Listed Building Consent

- 1) The works hereby authorised shall begin not later than 3 years from the date of this decision.
- 2) No works above slab level shall take place until a schedule of materials and finishes and colours to be used for external walls and roofs of the approved garage have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.
- 3) The rooflights hereby approved shall be metal framed, painted black, and fitted flush with the adjoining roof surface, shall not project above the plane of the roof and retained as such thereafter.