



Appeal Decision

Site visit made on 20 May 2019

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2019

Appeal Ref: APP/J2210/W/19/3221629

2 Bekesbourne Lane, Littlebourne, Canterbury CT3 1UY

- 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 Stuart Pettet against the decision of Canterbury City Council.
 - The application Ref 18/01657, dated 6 August 2018, was refused by notice dated 23 November 2019.
 - The development proposed is the erection of 3 No dwellings with gardens and parking and conversion of pub to 2 No dwellings.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The description of the development at the time of the application was as described above. During the course of the application the description was changed to the proposed erection of 3 No terraced dwellings with accommodation in the roof spaces, and change of use of public house to 2 No semi detached dwellings, together with associated landscaping and parking. This description more accurately reflects the proposed development. The Council determined the application on this basis and so shall I.
3. Additional plans were submitted prior to the Councils decision to refuse the application. These did not form part of the Councils consideration of the proposed development although in their statement they acknowledge that these may have overcome their second reason for refusal. The revised plans appear to make alterations to the internal layout to increase the available living space. However, I have insufficient information to be certain about the revised dimensions and interested parties may not have had the opportunity to comment. The appeal has therefore been considered on the basis of the plans provided at the time of the application.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the setting of The Anchor Inn which is a listed building, and the character and appearance of the Littlebourne Conservation Area; and

- The effect of the proposed development on the living conditions of future occupiers with reference to the size of the internal space.

Reasons

Setting of listed building; and character and appearance of conservation area

5. Planning permission and listed building consent has previously been granted for the internal and external works for the conversion of the pub into two dwellings, and the construction of two, two storey, semi-detached dwellings.
6. The revised scheme, subject of this appeal, proposes the same works to the host building, but three semi-detached dwellings, rather than two, in the former car park. I have not been provided with full details of the previous applications and note that the change of use and associated works to existing building are not in dispute. Accordingly, it is the three new dwellings annotated as plots one to three on the submitted plans, that are the main consideration in this appeal.
7. The site is located on the junction between High Street and The Green within the attractive village of Littlebourne. The village has a mix of local shops, services and two pubs. The appeal site comprises The Anchor Inn, which dates back to 16c and is Grade II listed building, together with the former car park. It is sited within the Littlebourne Conservation Area (LCA).
8. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
9. Section 72(1) requires that in the exercise of planning powers in conservation areas, "special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area".
10. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 132 of the 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.
11. The Village has a mix of architectural styles and materials with the buildings of varying ages including a number with listed building status. A more modern residential development known as the Maltings lies to the west, with older style housing to the south, fronting onto Bekesbourne Lane and High Street. There is an existing vehicular access into the car park from High Street.

12. The appeal building was identified as a local landmark in the Conservation Area Appraisal in 2005, with many of the architectural features including the Dutch gables remaining. Although it fronts onto Bekesbourne Lane, it provides an important focal point for the Village, especially when travelling west along the High Street. Moreover, travelling east, the prominence of the building with its distinctive Dutch gable, is further emphasised by the narrowing of the road at this point and the gap between the building and the Maltings, provided by the car park. These distinctive features combined, contribute to its significance as a heritage asset.
13. Although the three dwellings would be slightly staggered from each other, they would still appear as a single block of development. The distance between the proposed dwellings and the Maltings would be reduced to some 8 metres. Whilst in purely mathematical terms this may not be a substantial change, it must be considered in the context of the setting of the listed building. I consider that a reduction of some 2 metres, would reduce the important spacing between the listed building and the Maltings to an unacceptable degree.
14. The ridge line of the proposed dwellings would be similar in height to that of both the Maltings and the listed building. However, the gabled design of the roofs add to their bulky appearance. I acknowledge that the proposed dwellings would reflect a number of other dwellings in the area. However, the additional height together with the bulky design would result in an overly dominant development that would harm the setting of the Listed building, by detracting from its prominence and importance in the street scene and the LCA.
15. It is recognised that there has been some previous development to the rear of the building. I have not been provided with any specific information about this. Nevertheless, this is understood to have been set back further into the site retaining the open views of The Anchor Inn.
16. Overall, I find that as a result of its scale, design and height, the proposed development would harm the setting of the Listed building and fail to enhance the character and appearance of the LCA, which are both designated assets. The National Planning Policy Framework states that harm to a heritage asset might be defined as 'substantial' or 'less than substantial.' However, Planning Practice Guidance (PPG) advises that in general terms, substantial harm is a high test and that works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all.
17. In finding harm to the setting of this Listed Building and the LCA, due to the moderate nature of the proposal, I would quantify its extent to be less than substantial. Nonetheless, I attach considerable importance and weight to that harm, and in applying the test set out in paragraph 134 of the NPPF, I note that the benefits for the proposed development would be to provide additional housing, securing optimal use of the site and to improve the appearance of the car park. The previous approved application has already granted planning permission for two additional dwellings, in addition to the conversion of the host building. However, the public benefits of providing an additional dwelling, together with the other identified benefits are not sufficient to outweigh the harm I have identified above.

18. I conclude that the proposal would fail to preserve or enhance the setting of this grade II listed building; or preserve the character and appearance of the LCA. It would therefore cause less than substantial harm to its significance as a designated asset. In the absence of sufficient public benefits to outweigh this harm it would be in conflict with Policies DBE3, HE1, HE6 and HE8 of the Canterbury District Local Plan (2017) and guidance in the Framework. These policies taken together, seek to ensure that new development is well designed and where there are heritage assets affected, it preserves or enhances the special architectural or historic character or appearance of that asset.

Living conditions for future occupiers

19. The proposed development provides three semi-detached dwellings with accommodation over three floors. My attention has been drawn to the Nationally Described Space Standards which provides guidance for assessing the space requirements for various types of dwellings. Whilst, it is reasonable to have regard to this guidance a further assessment of any harm beyond that indicated by the document is still required.
20. It is not in dispute that the space provided for each dwelling would fall short of these technical housing standards. Although not generous, the layout provides sufficient space for typical furniture, white goods and normal day to day activities, together with a small outside amenity area. Therefore, the minor shortfall in overall internal space would be acceptable in this case.
21. My attention has also been drawn to an appeal decision where there was a shortfall in the levels of internal space provided. However, there are significant differences between the cases, and I do not consider that this site is in an area of high density housing. Nevertheless, I acknowledge that the appeal site is located within an established village, where there are likely to be a number of small compact dwellings, and the scale of the shortfall is minimal.
22. I find therefore, that the layout and size of the internal living space would provide acceptable living conditions for future occupiers. The proposal therefore complies with the policy DBE 4 of the Canterbury District Local Plan (2017).

Other matters

23. I acknowledge that pre-application advice was sought from the Council prior to the submission of this application. I note that this advice appears to relate to the conversion of the public house rather than the additional dwellings. In any event, such advice does not bind the Council to any particular decision when determining a formal planning application.

Conclusion

24. I have found the proposed development would provide acceptable living conditions for future occupiers of the three dwellings. However, the scheme would fail to preserve the setting of the listed building and the character and appearance of the Conservation Area and I conclude that the appeal should be dismissed.

Hilary Orr

INSPECTOR