
Appeal Decisions

Site visit made on 7 August 2019

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2019

Appeal Ref: APP/Z3825/W/18/3213518

Mill Hill House, Guildford Road, Rudgwick RH12 3HZ

- 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 and Mrs James Denton against the decision of Horsham District Council.
 - The application Ref DC/18/1233, dated 11 June 2018, was refused by notice dated 13 August 2018.
 - The development proposed is the erection of a link from the back door to a small ancillary building.
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Appeal Ref: APP/Z3825/Y/18/3213523

Mill Hill House, Guildford Road, Rudgwick RH12 3HZ

- 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 and Mrs James Denton against the decision of Horsham District Council.
 - The application Ref DC/18/1234, dated 11 June 2018, was refused by notice dated 13 August 2018.
 - The works proposed are the erection of a link from the back door to a small ancillary building.
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Decisions

Appeal A: APP/Z3825/W/18/3213518

1. The appeal is allowed and planning permission is granted for the erection of a link from the back door to a small ancillary building at Mill Hill House, Guildford Road, Rudgwick RH12 3HZ in accordance with the terms of the application, Ref DC/18/1233, dated 11 June 2018, subject to the conditions in the schedule to this decision below.

Appeal B: APP/Z3825/Y/18/3213523

2. The appeal is allowed and listed building consent is granted for the erection of a link from the back door to a small ancillary building at Mill Hill House, Guildford Road, Rudgwick RH12 3HZ in accordance with the terms of the application Ref DC/18/1234 dated 11 June 2018 and the plans submitted with it subject to the conditions in the schedule to this decision below.

Procedural Matter

3. The Council's decisions on the applications that led to these appeals pre-dated the publication of the latest version of the National Planning Policy Framework (the Framework). However, the elements of the Framework of most relevance to the current appeals are unchanged from the previous version relevant at the time of the decisions. Consequently, I consider that no prejudice would occur as a result of me taking into account the latest version in my assessment of the merits of the appeals, in accordance with the Framework which establishes¹ that it is a material consideration relevant to decision-taking from the date of its publication.

Main Issue

4. The main issue in both appeals is whether the proposed link building would preserve Mill Hill House, a Grade II Listed Building, and its special interest.

Reasons

Special interest and significance

5. The appeal building, included on the Statutory List at Grade II, is a substantial two-storey square house dating from the turn of the 19th Century. Faced in brick in a Flemish Bond pattern, with red stretchers and grey headers, Mill Hill House is set in substantial grounds. Whilst its front elevation with its strong symmetry and pedimented doorway is more formal than its rear, which lacks that elevational balance- the craft and quality of the brickwork, including the dentilled eaves course is evident on its back wall. Separated from the rear elevation by a small yard there stands a single-storey outbuilding, brick faced, in a similar bond to the main house, although without the contrasting headers and stretchers. I saw that the outbuilding includes a considerable amount of modern fabric including the door and its surround. Insofar as is relevant to the appeal scheme the significance of the building lies in the pre-eminence of Mill Hill House within its plot, the quality of its elevational detailing and the functional relationship between the dwelling, its yard and the ancillary building.

The appeal scheme

6. The appeal scheme would see the construction of a glazed link between the rear elevation of Mill Hill House and the outbuilding, topped by a flat roof with a hipped lantern light.

The effect of the appeal scheme

7. The appeal scheme would be of diminutive and subservient scale in comparison to Mill Hill House, meaning that the pre-eminence of the Listed Building within its plot would clearly remain. Furthermore, it would only touch the existing buildings very lightly, resulting in no substantive elevational alterations, or removal of historic fabric. Moreover, the high glazing content of its construction would impart transparency and a lightweight appearance to the proposed link building meaning that the functional separation of the buildings, and the quality of their brickwork would remain clearly visible. For these reasons the proposal would not unduly interrupt the relationship between the buildings, or an appreciation of the yard to the rear. Taken together, these

¹ At paragraphs 2 and 212

considerations lead me to the view that the appeal scheme would not therefore harm the significance of Mill Hill House.

8. Consequently, on this basis, and mindful of the duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude on this main issue that the appeal scheme would preserve Mill Hill House and its special interest. Accordingly, I find no conflict with Policies 33 and 34 of the Horsham District Planning Framework (adopted November 2015); or the Framework insofar as, taken together and amongst other things, they require heritage assets to be conserved in a manner appropriate to their significance; that developments are sympathetic to the built surroundings; and that developments reinforce the special character of the District's historic environment through appropriate siting, scale, form and design.

Other Matter

9. I saw at my site visit that the outbuilding's use is clearly ancillary to the main dwelling, of the character of a utility room. The proposals before me do not include details of any change to the function of the outbuilding. Moreover, I have been supplied with no substantive evidence that would establish that the installation of the link as proposed would result in harmful changes of use to the outbuilding. This matter does not therefore weigh against the appeal scheme in the overall planning balance or alter my conclusions in respect of the main issue set out above.

Conditions

10. In my assessment of the suggested conditions supplied by the Council I have borne in mind the Framework, which sets out² that they should be kept to a minimum, and only imposed where they are necessary, relevant to planning and to the development or works to be permitted, enforceable, precise and reasonable in all other respects.
11. Where I have imposed conditions, I have made amendments to the suggested wording in the interests of clarity and precision. Where I have attached planning conditions which require compliance with them prior to commencement of development I have sought the agreement of the appellants to these in accordance with s.100ZA(5) of the Town and Country Planning Act 1990.
12. In the interests of certainty, I have attached a condition in respect of Appeal A which specifies the approved plans. As the relevant plans are referenced in the formal decision on Appeal B in paragraph 2 above, there is no necessity to attach a plans condition in respect of the Listed Building Consent.
13. In order for the finished works and development to be sensitive to the character and fabric of the buildings and preserve their special interest it is necessary to attach conditions which require submission of further material relating to facing materials, window details, and constructional detailing. As these matters will guide the construction of the appeal scheme, pre-commencement conditions are fully justified in this case.

² At paragraph 55

Conclusions

14. For the reasons set out above, and taking fully into account all other matters raised, I conclude that the appeals should succeed.

G J Fort

INSPECTOR

Schedule of Conditions

Appeal A: APP/Z3825/W/18/3213518

- 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: Location Plan; Block Plan; Proposed Glazed Link at Mill Hill House Rudgwick May 2018 Scale 1:50.
- 3) Notwithstanding condition (2) no development shall take place until drawings to a scale of not less than 1:5 fully describing:
 - i) The details of the new windows including:
 - The cross-section of frame, transom, mullions, glazing bars etc;
 - The method of opening; and
 - The method of glazing;
 - ii) The details of the new roof including sections through the lantern and flat roof to illustrate:
 - The roof ridge;
 - The hips;
 - The eaves;
 - The flat roof perimeters; and
 - The junction with the wall of Mill Hill House

have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until the specifications or samples of the materials and finishes to be used in the external construction of the link building 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 specifications or samples.

Appeal B: APP/Z3825/Y/18/3213523

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The works hereby permitted shall not take place until drawings to a scale of not less than 1:5 fully describing:
 - i) The details of the new windows including:
 - The cross-section of frame, transom, mullions, glazing bars etc;
 - The method of opening; and
 - The method of glazing;
 - ii) The details of the new roof including sections through the lantern and flat roof to illustrate:
 - The roof ridge;
 - The hips;
 - The eaves;
 - The flat roof perimeters; and
 - The junction with the wall of Mill Hill House

have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

- 3) The works hereby permitted shall not commence until the specifications or samples of the materials and finishes to be used in the external construction of the link building have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved specifications or samples.

*****End of Conditions*****