
Appeal Decisions

Site visit made on 27 August 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 05 September 2019

Appeal A: APP/X2220/W/18/3214690

Hillside House, Ellens Road, Deal CT14 9JL

- 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 Kate Solley against the decision of Dover District Council.
 - The application Ref DOV/18/00622, dated 8 June 2018, was refused by the Council by notice dated 4 October 2018.
 - The development proposed is erection of single storey side and rear extensions (existing conservatory to be demolished).
-

Appeal B: APP/X2220/Y/18/3214691

Hillside House, Ellens Road, Deal CT14 9JL

- 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 Kate Solley against the decision of Dover District Council.
 - The application Ref DOV/18/00623, dated 8 June 2018, was refused by the Council by notice dated 4 September 2018.
 - The works proposed are erection of single storey side and rear extensions (existing conservatory to be demolished).
-

Decisions

1. I dismiss both appeals.

Reasons

2. The building is listed Grade II and the main issue in both appeals is the effect of the proposal on the architectural or historic significance of the building.
3. 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 193 of the 2019 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.
4. The proposed side extension would be of masonry construction with a cornice eaves obscuring a flat roof with a central lantern light, the walls having a single window at each end and 2 windows either side of a central pair of glazed doors, hence the appellant's original description as an orangery. The fourth long side would abut the existing side wall of the house and would project beyond the rear wall, with a glazed link between it and an existing rearward projection to the house.

5. This arrangement would replace a lean-to side addition that is predominantly glazed above a dwarf masonry wall, with 'modern' chamfered timber framing and a polycarbonate roof, the timberwork of the roof in particular being in a poor state with extensive rot. This conservatory extends only to the first rear wall of the house but starts nearer the front wall than the proposed side extension, so that a part of the rendered house wall that is within the conservatory would be exposed beyond the new work, necessitating a scheme to remove the render, with a risk of damage to the brickwork. The existing rear conservatory is smaller and is similarly showing signs of its age, and neither structure is of historic or architectural significance and demolition would be acceptable.
6. That significance does however reside in the front elevation of the house and extends to the side, but reduced by the more utilitarian architectural treatment, the house having a definite and imposing façade with the arrangement of windows and the door, their surrounds and the use of a parapet and low roof. The house appears to have been designed to be appreciated from the road and its approach, with less embellishment to the side and rear. To that has been added a later rear part of limited historic or architectural interest.
7. The proposed 'orangery' would introduce a hard masonry character and appearance, albeit set back from the important front elevation, but clearly seen from the road which would vie for attention with the truly historic façade, adding a confusion as to the building's provenance. The level of visibility is not decisive however as listed buildings are to be protected for their intrinsic significance and that consideration does not rely on a public view. The solidity of the extension would be at odds with the design and layout of openings on the façade and would cause harm to the architectural composition.
8. The rear conservatory would be attached to a less significant part of the building and would be small, low-key and largely transparent, and as such would not cause harm, rather it would be an acceptable replacement for the existing, somewhat similar but dated, structure. Nevertheless, that part relies on the development of the orangery which causes harm. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies and this states that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
9. There does not appear to be a real risk of the house falling out of the viable use as a dwelling, that for which it was first designed and built, and the existing conservatory to the side causes visual harm and could risk promoting rot in timbers within the main house if not attended to. The appellant runs a business and clients have to pass the poor-quality extension to gain access to the reception, but whilst rural businesses are supported by Government policy, that does not justify the erection of an incongruous extension that is contrary to national policy and statute and the harm is not outweighed by public benefits. For the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR