
Appeal Decision

Site visit made on 12 November 2019

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2019

Appeal Ref: APP/C1435/Y/18/3218928

Hormes House, Windmill Hill Road, Windmill Hill, Herstmonceux, BN27 4RS

- 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 David White against the decision of Wealden District Council.
 - The application Ref: WD/2018/0524/LB dated 5 March 2018, was refused by notice dated 5 October 2018.
 - The works proposed are: Proposed rear extension and demolition of existing garage, removal of existing bay window, and external and internal alterations.
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Decision

1. The appeal is dismissed, and listed building consent is refused for: 'Proposed rear extension and demolition of existing garage, removal of existing bay window, and external and internal alterations'.

Procedural Matters

2. The application was amended whilst under consideration by the Council by revised plans showing the proposed extension orientated to align with the existing dwelling, together with a modest reduction to its footprint. I have considered the appeal on this basis.
3. The Council also refused a tandem application for planning permission. However, I am not aware that an appeal has been lodged against that decision and the appeal before me solely concerns the heritage implications of the proposal.

Main Issues

4. I consider the main issues in this appeal are the effect of the proposed works on the special architectural and historic interest and setting of this of the Grade II listed building.

Reasons

5. At the statutory level the *Planning (Listed Buildings and Conservation Areas) Act 1990* (the Act) requires special regard to be given to the desirability of preserving a listed building and any features of architectural or historic interest it possesses.
6. Paragraph 193 of the revised *National Planning Policy Framework* (the Framework) says when considering the impact of a proposal on the significance

of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. As heritage assets are irreplaceable, any harm should require clear and convincing justification.

7. The development plan includes the *Wealden Core Strategy Plan (2013)* (CSP) and the saved policies of the *Wealden Local Plan (2008)* (LP). The most directly relevant CSP Policy to which I have been referred is SPO2, which seeks to ensure that the intrinsic quality of the historic environment is protected. Saved LP Policy DC19 concerns extensions, and LP Policy EN27 the design and layout of development. These policies may be taken into account as a material consideration in an application for listed building consent.
8. I have also been referred to the emerging *Wealden Local Plan (Draft Proposed Submission Version 2018)*. Policy HE1 concerns the historic environment and says development which causes harm to the significance of heritage assets, even where the harm is less than substantial, will only be supported where it can be demonstrated that the harm is outweighed by public benefit. Although not yet part of the development plan this policy reflects up-to-date policy in the Framework and I afford it considerable weight as a material consideration.
9. The Council has also drawn my attention to Section 12: '*Alterations and Extensions to Listed Buildings*', of the *Wealden Design Guide Supplementary Planning Document (SPD)*, adopted for development control purposes in 2008. Section 4 refers specifically to extensions.
10. The appeal property is a Grade II listed building which dates from the 18th century with 19th century additions. It is constructed of timber framing and brick and is partly faced with weatherboarding. It was occupied in the early-mid 19th century by Thomas Smith, the inventor of the Sussex trug who lived on the upper floor and used the ground floor as his workshop. A large part of the building's special architectural and historic interest derives from its origins as a modest cottage redolent of the local vernacular style, the use of traditional local materials, its form, and its prominent position within the street scene. The association with Thomas Smith contributes to its overall significance.
11. It is proposed to undertake internal alterations to the building to provide a bathroom in an existing bedroom, a new internal door, remove the rear bay window, demolish the existing garage, and add a large two-storey extension at the rear attached to the existing building by a lower link section (almost fully glazed on the south elevation).
12. This proposed extension is essentially the sole area of dispute between the parties. I accept that a contemporary design solution can be appropriate in some cases. However, the scale and massing of the proposed extension is large compared with the host property, and it would read as a large and discordant addition that would markedly alter the simple form of the cottage and detract from its simple vernacular character. Furthermore, it has a particularly complex hipped/catslide roof form which would clash awkwardly with the simple form of the existing ridge roof. Overall, I consider the relationship between the existing cottage and this extension would appear visually unsatisfactory and unresolved.

13. The link section, which in part is two storeys high, is also somewhat bulky in form and does not create a sufficient degree of separation between 'old' and 'new' sections. Due to there being very little differentiation in overall roof height, the extension would dominate Hormes House when seen from the south and west, detracting from the immediate setting of the building. The proposed materials (zinc roofing, some painted render, and aluminium framed windows) are also incongruous and not fully justified in the evidence.
14. In my view this would all serve to dilute and confuse the building's historic origins, its simple vernacular form and appearance, and would thus detract from its special architectural and historic interest. I note that whilst zinc roofing is shown on the plans, the application form suggests that the roof would be tile-covered. Even if this is the case, the choice of roofing (and other materials) is not determinative, and does not overcome my concerns regarding the scale, bulk and design of the extension.
15. Paragraph 4.3 of the SPG says extensions need to respect the form and character of the listed building and its setting (including views into and out of the site), be subordinate to the host building, be as compact as possible, and that proportions, details, and materials should be appropriate for their intended purpose in the selected location. I consider the proposed extension would conflict with all of these design principles.
16. The Framework differentiates between the approaches required where proposals would lead to substantial harm or total loss of significance to a designated heritage asset, or alternatively where it would lead to less than substantial harm. In this case, I find that the harm caused would be less than substantial. In such situations the Framework says the harm should be weighed against the public benefits of the proposal.
17. I am mindful of the fact that the proposed extensions and alterations would provide more practical and spacious accommodation for modern living and help to bring a property which has been vacant for several years back into beneficial use. I also accept the space constraints of the existing building. However, leaving aside whether the appellant's enjoyment of the property can properly be regarded as a public benefit, other more sympathetic and less intrusive means of extending the property to achieve similar benefits may be possible.
18. Whilst the harm to the listed building would be less than substantial in Framework terms, it would nonetheless be significant, and any harm caused to a designated heritage asset is a matter that attracts considerable weight and importance. With that in mind, I conclude that the benefits involved do not outweigh the harm that would be caused to the significance of the listed building and its setting.

Other Matters

19. Notwithstanding all other considerations, the Council has no objections to the relatively minor internal alterations, the demolition of the garage (which is treated as a 'curtilage' listed building) and the replacement of the rear bay window with a flush infill and new windows. Nonetheless, in accordance with the statutory duty above, I need to consider both elements of the scheme.
20. The existing garage is a dilapidated relatively modern building, and the two-storey bay a later addition which exhibits severe structural deficiencies. Based

on the evidence and a visual inspection at my site visit I consider these elements of the scheme would have a neutral effect that would preserve the special architectural and historic interests of the building.

21. Nonetheless, my conclusion regarding the harmful effect of the proposed extension represents a significant and overriding objection which must be decisive. I do not consider it appropriate to issue a split decision in this case as the various elements are not clearly severable.
22. The appellant refers to extensive pre-application discussions and numerous meetings which have taken place with Council officers over a number of years, and the preparation of various different schemes in an attempt to address officers' concerns. The appellant says the local planning authority suggested that a two-storey extension (possibly with a flat roof) might be achieved in same location as the appeal scheme, and also suggests that the overall scale of the extension had been accepted by the local planning authority. This is disputed by the Council who say the appeal scheme does not reflect the most recent pre-application discussions or the thrust of the Conservation Officer's comments which, whilst not supportive of the pre-application scheme, suggested a possible alternative option to explore.
23. Nonetheless, whilst I accept that the preparation of these abortive schemes and the considerable time period involved in negotiations may have caused considerable frustration, to the appellant, the Council has provided clear-cut reasons for refusal, and any earlier discussions or indications have not influenced my decision.
24. The appellant has referred to an appeal decision at The Street, Arlington, Polegate¹, where the Inspector granted permission for the replacement of an existing garage; concluding that the new garage would enhance the setting of the nearby Grade 1 Listed St Pancras Church and the character and appearance of the Conservation Area. However, that appeal concerned development of a different type and not the physical extension of a listed building. Therefore, I cannot draw any meaningful comparisons with the appeal scheme, or infer that any kind of precedent has been set. In any event, each application and appeal falls to be considered on its own merits taking account of the very specific circumstances.

Conclusion

25. To summarise, I consider the proposed works would cause less than substantial harm to the significance of this Grade II listed building and its setting, and would not preserve its special architectural or historic interest. It has not been shown that public benefits would outweigh this harm, and so the proposal conflicts with the Framework, CSP Policy SPO2 and saved LP Policies DC19 and EN27 insofar as they are a material consideration, and advice in the SPG.
26. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Nigel Harrison

INSPECTOR
