
Appeal Decisions

Site visit made on 26 November 2019

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

Appeal A Ref: APP/T2215/W/19/3223272
157 High Road, Wilmington, Kent, DA2 7DP.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr D. Redfern against Dartford Borough Council.
 - The application Ref 18/01233/FUL, dated 19 September 2018.
 - The development proposed is a two-storey extension.
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Appeal B Ref: APP/T2215/Y/19/3223273
157 High Road, Wilmington, Kent, DA2 7DP.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr D. Redfern against Dartford Borough Council.
 - The application Ref 18/01234/LBC, dated 19 September 2018.
 - The works proposed are for a two-storey extension.
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Decisions

Appeal A Ref: APP/T2215/W/19/3223272

1. The appeal is dismissed.

Appeal B Ref: APP/T2215/Y/19/3223273

2. The appeal is dismissed.

Procedural matters

3. The appellant proposes the construction of a two-storey rear extension. However, and while the appeal form does not reflect any change in the description of the application I understand from the appellant's evidence that during the course of the consideration of the application the description of the application was changed, to include the insertion of new doors and windows in the east elevation of the host property. As these are also shown on the application drawings I will take these works into account in my deliberations.
4. Further, I see from the drawings that some internal alterations appear to also be proposed to the ground floor and first floor layouts. These include amongst other things the demolition of internal walls and the construction of new partitions. As these alterations relate to the proposed new openings in the east

elevation I understand them to be necessary parts of the overall scheme. I will therefore also consider these works as part of this appeal proposal.

5. I understand from the evidence that planning permission and listed building consent were granted in 2009 (Council Refs:09/00987/FUL and 09/00988/LBC) for a similar two-story rear extension. However, those permissions that have in any case now expired were determined prior to the publication of the National Planning Policy Framework (the Framework) in 2012, subsequently revised in 2019 and the adoption of the Adopted Local Plan in 2017. Accordingly, those earlier permissions are not material to the determination of these appeals, which I shall consider on their individual merit.

Background and Main Issue

6. The appeals were submitted prior to the determination of the applications for planning permission and listed building consent by the Council. The Council has subsequently advised that had it decided them it would have been minded to refuse them for the following reasons:

The proposed development, by virtue of its failure to relate satisfactorily to the architectural detail of the host dwelling, lack of detail in the drawings and submitted documentation, and inappropriate use of uPVC for the windows and doors would result in substantial harm to the listed building's significance and special architectural and historic interest and there is no identifiable public benefit to justify this harm. This is contrary to Policies DP2, DP12 and DP13 of the Dartford adopted Local Plan and Paragraphs 194 and 195 of the NPPF (National Planning Policy Framework).

7. Accordingly, I consider the main issue to be the effect of the proposed development on the special architectural and historic interest of The Retreat, a range of Alms-houses, 157 – 165 (odd) High Road listed grade II.

Reasons

8. The property the subject of this appeal, 157 High Road, is the end house, in a short terrace of two-storey dwellings. Collectively, this terrace of former alms-houses is known as The Retreat.
9. From the list description I understand that the terrace of alms-houses is dated between 1851-1872. Neither party has submitted any evidence as to its significance. However, in my judgement its significance relates to the history of its development and its aesthetic and evidential value, in particular its three dimensional form and retained historic fabric.
10. The proposed extension would be built full width across the rear of the house such that there would be no inset. Consequently, the addition would not be read as a subservient addition to the host property. I therefore consider, although its ridgeline would be lower than that of the host property, that the proposed extension would visually subsume the rear façade of the original house.
11. I note that the openings in the rear elevation of the house have at sometime been replaced with white uPVC units. However, it is not clear from the appeal papers whether these have the benefit or not of listed building consent. Nevertheless, it is proposed that new windows shown to the side and rear elevations would be standard uPVC modern casements with opening top lights

to match. Although they would generally match the existing replacement windows that are now to be removed they would be in direct contrast to the original painted timber casement windows retained to the street façade.

12. In my opinion the new windows, by reason of their design, style, proportions and material would cause significant harm to the architectural integrity as well as the character and appearance of the building and thereby the terrace of which it is part.
13. These detail features, although seemingly small in themselves, would make the proposed extension stand out as a significantly harmful addition to the architectural integrity of the host building and consequently the overall terrace. Accordingly, in my judgement, for these reasons it would appear as an awkward alien addition that would fail to preserve the special architectural and historic interest of this heritage asset.
14. Furthermore, as identified by the Council the drawings are, in terms of an application for listed building consent, relatively simplistic and indeed so stylised as to not so accurately reflect the finer architectural detail of the host property. Accordingly, they neither illustrate nor describe the works proposed adequately. Were planning permission and listed building consent to be granted, it would be impossible for a contractor to (a) know from the drawings what precisely had been permitted or, (b) carry out the works without potentially adversely harming the integrity of the listed building.
15. In respect of the internal alterations, which amongst other things, includes the removal of what appears to be a substantial internal wall, no detail has been provided. In particular any necessary ancillary structural works to secure the integrity of the building structure having regard to the effect of such works on the appearance or indeed the historic fabric of the building.
16. The National Planning Policy Framework (the Framework) requires great weight to be given to the conservation of designated heritage assets, which include listed buildings. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits, including securing the optimum viable use.
17. The proposed extension and other works would serve to ensure that the listed building remains relevant to family occupation of the dwelling and therefore its use for day-to-day living. This is clearly a public benefit. However, this benefit is plainly not wholly reliant on the proposed addition. Given the harm that has been identified I conclude that the public benefits would not outweigh this harm, or the conflict with the Framework and Policies DP2, DP12 and DP13 of the Dartford Development Policies Plan – *Dartford Local Development Plan Document* (Adopted July 2017). All as they relate to the duties imposed by sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of the desirability of preserving listed buildings or any features of special architectural or historic interest which it possesses.

Other matters

18. I note the two-storey rear extensions to other houses in the terrace and as identified by the Council, a two-storey rear extension here may well be acceptable. However, the design of any extension, unlike the current proposal

would need to be well considered in the light of the listed building's significance and special architectural and historic interest if it is not to cause harm.

19. The appellant has drawn my attention to a number of concerns relating to, along with other things, the time taken for the Council to seek additional information in support the applications, the lack of a site visit by the conservation officer, the overall length of time taken to consider the applications and what is considered to be poor communication by the Council. These are however not relevant to my consideration of the planning merits of these appeals.

Conclusion

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should fail.

Philip Willmer

INSPECTOR