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## Appeal Decisions

Site visit made on 15 November 2019

**by Vicki Hirst BA (Hons) PG Dip TP MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 8 January 2020**

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**Appeal A Ref: APP/D3830/W/19/3226402**

**Appeal B Ref: APP/D3830/Y/19/3226401**

**Bagpiths Cottage, Haywards Heath Road, Balcombe, Haywards Heath, RH17 6PE**

- Appeal A is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - Appeal B is made under Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeals are made by Ms Jaclyn Cook against the decision of Mid Sussex District Council.
  - The applications Ref DM/19/0573 and DM/19/0586, dated 8 February 2019, were refused by notice dated 28 March 2019.
  - The development and works proposed are the demolition of existing shed and rear extension with replacement part single storey, part two storey extension. Erection of new shed at rear of property.
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### Decisions

1. Both appeals are dismissed.

### Procedural Matters

2. A combined application form was used for the works and development proposed under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning Act 1990. As set out above, there are two appeals before me which I have considered on their individual merits. However, to avoid duplication I have dealt with the two together except where otherwise indicated.
3. The description of the development and works set out above is taken from the appeal form and the Council's decision notices. Whilst the description differs from that in the application form, as both the appellant and the Council have used the above description and it more accurately refers to the development and works proposed I have used it for the purposes of making my decisions.

### Main Issues

4. The main issues are:

- whether the works and development would preserve the listed building or its setting, or any features of special architectural or historic interest which it possesses<sup>1</sup> and whether the development would preserve or enhance the character or appearance of the Balcombe Conservation Area<sup>2</sup>; (the heritage assets)
- the effect of the development on the character and appearance of the area with particular regard to whether it would conserve and enhance the natural beauty of the High Weald Area of Outstanding Natural Beauty (the AONB)<sup>3</sup>.

## Reasons

### *Background*

5. Bagpiths Cottage is a two-storey semi-detached property situated within the village of Balcombe. It comprises the northern end of a timber framed building, the original part of which dates back to the 16<sup>th</sup> century. It was largely rebuilt during the 18<sup>th</sup> and 19<sup>th</sup> centuries and further modified in the 20<sup>th</sup> century.
6. The whole building comprising both Bagpiths and Bagpiths Cottage is listed as Grade II. The listing description describes it as a 16<sup>th</sup> century timber framed building, refaced with red brick with part of the ground floor ashlar. It has a tiled roof and casement windows with a 19<sup>th</sup> century bay at the north west end on both floors with a gable over.
7. The proposal would replace an existing single storey extension with an associated chimney and a timber outbuilding with a new flat roof extension linked to a two storey pod. The flat roof extension would be constructed of brick with timber fenestration and a lead roof. It would be connected to the pod by a glazed link, with the pod itself clad in standing seam metal. The pod's roof would be provided with an asymmetric pyramidal design culminating in a rooflight. A flue would be provided to the side roof slope of the existing dwelling with a new chimney on the northern side of the dwelling. A new timber shed would be provided adjacent to the northern boundary of the garden.

### *The Significance of the Heritage Assets*

8. The appellant's Historic Building Assessment (the Assessment) has taken into account both Bagpiths and Bagpiths Cottage. The Assessment concludes that the most significant part of the building is the original timber framing of the main range (Bagpiths) with the daub panels within Bagpith Cottage being of medium significance. It finds all of the purlins to be high significance but the two-storey addition to the rear of Bagpiths Cottage has low significance as it is non-original. The high visual impact of the property is important to the appearance of the building in the street scene and thus Balcombe Conservation Area (the Conservation Area) in which it is situated.
9. The parties agree that the significance of the appeal property lies in its original fabric, the appearance of its external envelope and its setting within the street

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<sup>1</sup> Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>2</sup> Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>3</sup> Section 85 of the Countryside and Rights of Way Act, 2000

scene within the Conservation Area. Furthermore, the Council considers that it has historic value due to its association with local farming families.

10. I concur with the view that the appeal property has architectural and historic significance as a result of its design, fabric, setting and historical associations. I find this to be of medium significance.
11. The Council has not published any detailed appraisal of the Conservation Area but considers its significance lies in its character as a Sussex village in close connection with its rural surroundings. Features that are particularly important to its character include the use of natural and traditional building materials and the views out to and in from the surrounding countryside including those from the east in which the buildings of the village can be seen sitting on top of a hill ridge. I concur with this view.
12. The Council's view is that the appeal property makes a positive contribution to the character and appearance of the Conservation Area through its characterful appearance and range of traditional building materials in the street scene and to views from surrounding buildings and wider views to the east and north east.
13. I note that the appellant disagrees that the appeal property is visible from wider views. However, it is agreed that the property makes an important contribution to the street scene. From my own observations on site the traditional form and materials of the property and its relationship with the surrounding built form and rural surrounds result in the appeal property making an important positive contribution to the special interest and significance of the Conservation Area.

*The effect of the proposed works and development on the heritage assets*

14. The single storey extension and shed to be removed are of relatively modern design and I am satisfied that their loss would not be harmful to the listed building. I note that the Council has previously agreed to the removal of these buildings in earlier permissions although these appear to have since lapsed<sup>4</sup>. Furthermore, the Council has raised no objection to the proposed flue, chimney or shed. I agree that these elements of the proposal are acceptable and would preserve the special interest of the listed building.
15. Nonetheless, the proposed flat roof extension would extend across most of the rear width of the twin gabled extension to the rear of the appeal property. The resulting large expanse of flat roof would provide a stark contrast to the traditional pitched roof design of Bagpiths Cottage, Bagpiths and other nearby properties. Furthermore, the proposed link and pod, whilst unashamedly contemporary in design, would have little common architectural language with the host dwelling. Whilst I acknowledge that such an approach can ensure an extension is discernible from the original building, I find that in this case the mix of a lead flat roof rising to a higher pod clad in metal seam with an asymmetric roof would introduce a confusing mix of styles and materials that would be incongruous in relation to the simple form and fabric of the building. Furthermore, the scale and bulk and changes in height of the additions would be such that they would not appear subservient but would rather dominate and

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<sup>4</sup> LPA Refs: 12/00841/LBC & 12/00842/FUL

unacceptably contrast with the visual appearance and architectural language of the listed building.

16. I accept that the extension would directly affect fabric of less historical significance than other parts of the overall listed building. Nevertheless, this does not affect my view that the proposal would result in harm to the special interest of the listed building as set out above. I find this harm to be less than substantial.
17. I viewed the proposal from public views within and outside the Conservation Area and particularly from the various viewpoints provided in evidence. Whilst I agree with the appellant that the proposal would not be easily discernible directly from the front, I found that it would be visible from the longer distances to the east and north-east when looking across the recreation ground. Whilst such views are reduced by distance, in my assessment, the form and materials of the extension would be apparent and would appear at odds with the traditional form and finishes of buildings in the Conservation Area. The pyramidal form of the pod roof with its reflective finish would be a particularly alien feature in the context of a largely traditionally designed roofscape within the Conservation Area. In my assessment, the extension would appear as an incongruous addition that would be alien to the important features of the Conservation Area including the traditional form and building materials that are significant components of its character and appearance.
18. My attention has been drawn to other buildings with pyramidal roofs and finished in standing seam cladding within the area. However, each proposal needs to be considered with regard to its own particular characteristics and context and for the reasons above, I find that the proposal before me is unacceptable. I also acknowledge the previous approval for an extension to the property but note that this was of a wholly different design to the current proposal, the subject of this appeal. It does not therefore affect my consideration of the appeals before me.
19. I have also taken into account paragraph 131 of the NPPF that requires great weight to be given to outstanding or innovative designs which help promote high levels of sustainability or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings. I have no reason to disagree that modern and innovative design can be integrated with historic assets, but for the reasons I have given above I do not find the proposal before me in its own particular context is an appropriate form of development and works.
20. I conclude that the proposal would fail to preserve the special interest of the listed building and its setting and the special architectural and historic features that it possesses. It would fail to preserve or enhance the character or appearance of the Conservation Area. It would result in harm to the significance of both assets. Having regard to the context of the test in the NPPF I find this harm to be less than substantial.
21. As such, the NPPF states that where a proposal will lead to less than substantial harm to the significance of an asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use<sup>5</sup>.

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<sup>5</sup> Paragraph 196, National Planning Policy Framework, February 2019

22. The proposed works and development would extend an existing dwelling which is currently in residential use. I have no evidence before me that the building would cease to be in use should the appeals fail. Furthermore, I have no reason to believe that the property could not be extended in a different way that would not have the associated harm that I have found would arise from the proposal before me. To this end the Council has previously granted planning permission and listed building consent for such a scheme. The proposal is primarily for the benefit of the private interests of the appellant and I do not find that any public benefits have been put forward that outweigh the harm that I have identified would arise from the proposal before me.
23. As such the proposal would not meet the statutory requirements set out in Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would not be in conformity with policies DP34 and DP35 of the Mid Sussex District Plan which require, amongst other things, alterations or extensions to a listed building to respect its historic form, scale, setting, significance and fabric and for development in conservation areas to conserve and enhance their special character and appearance through sensitive design and the use of complementary materials. It would also not be in accord with policy 3 of the Balcombe Neighbourhood Plan and would conflict with the overarching sustainability principles of the National Planning Policy Framework (NPPF) and the requirements within it to give great weight to the conservation of heritage assets' conservation and for them to be conserved in a manner appropriate to their significance<sup>6</sup>.

*Effect on the AONB*

24. The statutory purpose of the High Weald AONB is to conserve and enhance its natural beauty and this purpose is reflected in policy DP16 of the Mid Sussex District Plan and policy 3 of the Balcombe Neighbourhood Plan. Furthermore, the AONB Management Plan seeks to prevent the erosion of settlement character and promotes the traditional pattern of High Weald villages, including the use of traditional and local construction materials.
25. The Council does not object to the effect of the form of the proposal on the AONB but rather its use of non-traditional materials. I have found above that the use of a palette of different and modern materials within this traditional Sussex village within its particular context would not preserve or enhance the character and appearance of the historic Conservation Area. The historic villages within the AONB are an essential component of the protected landscape. Whilst I acknowledge that views of the property are largely confined to relatively close by in the context of the overall AONB, I find that the proposed use of a mixture of modern materials would jar with the traditional characteristics of the village and which are a principal feature of the villages within the AONB. As such the proposal would not conserve and enhance the natural beauty of the AONB and would fail to meet the statutory requirement of section 85 of the Countryside and Rights of Way Act 2000. Furthermore, it would not be in accord with development plan policy DP16, policy 3 of the Balcombe Neighbourhood Plan and national policy that seeks to protect such areas<sup>7</sup>.

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<sup>6</sup> Paragraphs 184 & 193, National Planning Policy Framework, February 2019

<sup>7</sup> Paragraph 172, National Planning Policy Framework, February 2019

## **Conclusions**

26. I have taken into account all other matters raised, including reference to other guidance on historic buildings<sup>8</sup> but find none that outweigh the harm that I have identified.

27. For the above reasons I dismiss both appeals.

*Vicki Hirst*

INSPECTOR

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<sup>8</sup> Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, Historic England; The Burra Charter; Making Changes to Heritage Assets, Historic England Advice Note 2; Society for the Preservation of Ancient Buildings Manifesto.