
Appeal Decisions

Site visit made on 18 May 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 4 June 2020

Appeal A: APP/U1430/W/20/3244686

Clench Green, Beales Lane, Northiam TN31 6LJ

- 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 Ms P Harris against the decision of Rother District Council.
 - The application Ref RR/2018/2616/P, dated 9 October 2018, was refused by notice dated 19 November 2019.
 - The development proposed is extension and alterations.
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Appeal B: APP/U1430/Y/20/3244682

Clench Green, Beales Lane, Northiam TN31 6LJ

- 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 Ms P Harris against the decision of Rother District Council.
 - The application Ref RR/2018/2617/L, dated 9 October 2018, was refused by notice dated 19 November 2019.
 - The works proposed are extension and alterations.
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Decision Appeal A

1. I dismiss the appeal insofar as it relates to the extension. I allow the appeal insofar as it relates to the replacement of a window with a door and grant planning permission for new external door at Clench Green, Beales Lane, Northiam TN31 6LJ in accordance with the terms of the application, RR/2018/2616/P, dated 9 October 2018, and subject to conditions 1) to 3) on the attached schedule.

Decision Appeal B

2. I dismiss the appeal insofar as it relates to the extension. I allow the appeal insofar as it relates to internal alterations and to the replacement of a window with a door and grant listed building consent for alterations at Clench Green, Beales Lane, Northiam TN31 6LJ in accordance with the terms of the application, Ref RR/2018/2617/L, dated 9 October 2018, and the plans submitted with it, so far as relevant to that part of the works hereby consented, and subject to conditions 1) to 3) on the attached schedule.

Main Issue

3. The host property is listed Grade II and is situated within the Northiam Conservation Area. The main issue in both appeals is the effect of the proposals on designated heritage assets.

Reasons

4. Policy EN2(iii) of the Rother Local Plan Core Strategy 2014 concerns development affecting the historic built environment which is required to preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic building typologies. Saved Local Plan Policy HG8 on the extension of dwellings, referred to in the Reasons for Refusal has since been superseded by Policy DHG9 of the Development and Site Allocations Local Plan adopted in December 2019. This policy sets out criteria against which proposals are to be judged, including at (v) one specific to historic buildings and areas.
5. 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.
6. 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. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
7. The application was accompanied by a '*Heritage Statement and Statement of Significance*' which described the proposals, including internal works subject only to the listed building consent application. It is the case, confirmed by the Council prior to the appeal site inspection, that there is no objection to the internal works and that consent may be granted for them; the matter in dispute being the extension. The proposal to replace a window with a door to the previous lean-to was found acceptable as a result of the inspection.
8. With the limited exception of a reference to the existence of mortices on the end elevation as mentioned in a previous architectural survey, the Council do not appear to take issue with the Statement of Significance. The Statement appears authoritative and the findings on architectural and historic significance were identified at the site inspection, and are endorsed in these Decisions; hence they do not need repeating.
9. The Impact Assessment within the Statement referred to '*numerous contrasting designs*' being the subject of pre-application discussion. A subsequent '*Response to the LPA Statement of Case*' from the same heritage consultant included commentary and drawings for a shallow pitched lean-to addition, with slate covering due to the low pitch, and a steeper pitched lean-to that, whilst able to use a more appropriate roof finish, had to resort to a cut-out around a first floor window. Another early scheme discussed with the Council was for a longer but narrower flat-roofed addition to the south-east of the same elevation.
10. The north-eastern elevation, the site of the proposed addition, has a variety of wall materials, with exposed timbers, brickwork with various indications of change, and the prominent dark weatherboarding. Openings in this end consist of apparently randomly placed windows, a part-glazed door and, close to ground level, a low pair of doors giving onto a barred opening to the cellar.

11. The appeal scheme proposes a squarer plan form than previous pitched roof iterations, through a greater extension away from the gable end but retaining much the same width as before together with the adjoined porch. In order to roof this shape, much the same lean-to element is proposed as the 'cut-out' scheme, to the level of the eaves of the north western roof slope, but the device of cutting out the lean-to and allowing natural light to the upper window has been abandoned, the window now to be retained within an open roof void.
12. The greater plan depth away from the existing building would be accommodated under a double-pitched, gable-ended roof, meeting the lean-to with valley gutters on either side, the two roof forms shown to have a common eaves height and a common ridgeline. Whilst subservient to the mass of the existing building, the larger square plan form and the line of the junctions at eaves and ridge where the two new roof forms meet would result in a poorly articulated arrangement, the double pitch not being subservient to the lean-to and risking unattractive flashing or weathering details. In addition, the proposed length of the double pitched element at the same height would appear an over-dominant feature.
13. Reference has been made this arrangement being present on other listed or vernacular buildings in the wider area, but by their nature, such buildings have responded to the need for space, and the materials available and have not generally been designed to have a particular effect. They are cherished for their age and often for their lack of 'polite' architecture but transferring that approach to a designed modern addition is not necessarily appropriate. In this case the Council criticise the window placements and the side window on the North-West elevation does appear too close to the lean-to pitch, and in an arbitrary position on the unrelieved length of brickwork.
14. Looking at the requirements of Policy DHG9 referred to by the Council;
 - (ii) *they respect and respond positively to the scale, form, proportions, materials, details and the overall design, character and appearance of the dwelling.* The house as it now stands is sizeable and varied in its use of materials, and the other parameters which are to be judged against are similarly varied, resulting from the changes that have occurred over time, up to the most recent additions of the front porch and the lean-to on the north-western elevation. The addition now proposed is placed to allow much of the pre-existing form to be understood, but the height and length of the gable ended roof would not respond positively to the scale or form of the historic building.
 - (v) *they fully respect and are consistent with the character and qualities of historic buildings and areas, where appropriate;* The unattractive 'cut-out' for the upper window has been eradicated, but that could have been achieved with a lean-to only as that part of the proposed addition shows, and the over-long and high additional roof does not respect the character and qualities of the historic building.
 - (vi) *in the case of extensions and alterations, they are physically and visually subservient to the building, including its roof form, taking into account its original form and function and the cumulative impact of extensions.* The lean-to alone was shown to be subservient and the reducing height did not vie with the bulk and detailing of the existing building. However, the roof form now

- proposed would not continue that appearance of a progression or subservience, to the detriment of the character and appearance of the complete building.
15. The proposed extension would therefore cause harm to the architectural significance of the listed building by upsetting the balance of the composition, notwithstanding that the historic significance would be largely retained by the set-in of the extension and the remaining presentation of historic features.
 16. The extension would be visible over an area of the rear garden, but that is mostly shielded from public views, although the preservation of listed buildings does not rely on a public view. There would be a fleeting view from the lane along the rear of the adjoining property to the east, but that is filtered by the branches of a tree and the full relationship with the listed building, and hence the harm, would not be apparent. Consequently, there is no identified harm to the character and appearance of the Northiam Conservation Area.
 17. Considering only the harm to the significance of the listed building, the level 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 this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
 18. There does not appear to be any real risk of the building falling out of its viable use as a dwelling, and that should be regarded as the optimum use. Furthermore, nothing in the foregoing analysis has found a fundamental or 'in principle' objection to some form of extension and in the location proposed. The likely presence of an acceptable proposal adds weight to the conclusion that the public benefits do not outweigh the harm caused by this proposal.
 19. The proposed extension would fail to accord with Development Plan Policies EN2(iii) and DHG9 or the aims of the Framework on the preservation of designated heritage assets, a matter of great weight. The statutory tests in the 1990 Act would not be met and there are no public benefits or other justifications sufficient to allow permission and consent to be granted for that part of the appeal proposal.
 20. The internal works and the replacement of the lean-to window with a door are acceptable and would satisfy sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, together with the aims of the Framework and Development Plan as appropriate, and listed building consent should be granted. For the avoidance of doubt, planning permission should be granted for the development of the replacement door.
 21. Conditions are required to seek further details of joinery and structural work, and a condition naming the 'as proposed' drawings is required in the planning permission only for the avoidance of doubt. For the reasons given above it is concluded that both appeals should be allowed in part and dismissed in part.

S J Papworth

INSPECTOR

Schedule of Conditions, Appeal A, Planning Permission

- 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: 5936/19/1/E and 5936/19/2/A, insofar as they relate to the development hereby approved.
- 3) The new door and frame hereby permitted shall not be fixed in place until details of all new external door joinery, at a scale of 1:10 elevations with full size sections through cills and frames have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out only in accordance with the approved details.

Schedule of Conditions, Appeal B, Listed Building Consent

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The works hereby permitted shall not be commenced until details of all new external door joinery, at a scale of 1:10 elevations with full size sections through cills and frames have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out only in accordance with the approved details.
- 3) The works hereby permitted shall not be commenced until details of all internal works, at a scale of 1:10 elevations with 1:5 scale sections through the junction of new/removed work and the surrounding retained work, and to show details of support and making good, have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out only in accordance with the approved details.