
Appeal Decisions

Site visit made on 28 July 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 10 August 2020

Appeal A: APP/C1435/W/20/3249647

Chequers, Heathfield Road, Five Ashes TN20 6JJ

- 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 Ken Mason against the decision of Wealden District Council.
 - The application Ref WD/2019/2583/F, dated 5 December 2019, was refused by notice dated 4 February 2020.
 - The development proposed is single-storey extension, alterations to some existing windows and minor internal alterations. demolition of existing conservatory, amended proposal to application WD/2019/0104/F.
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Appeal B: APP/C1435/Y/20/3249644

Chequers, Heathfield Road, Five Ashes TN20 6JJ

- 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 Ken Mason against the decision of Wealden District Council.
 - The application Ref WD/2019/2584/LB, dated 5 December 2019, was refused by notice dated 4 February 2020.
 - The works proposed are is single-storey extension, alterations to some existing windows and minor internal alterations. demolition of existing conservatory.
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Decisions

1. I dismiss both appeals.

Main Issue

2. In both appeals the main issue is the effect of the proposal on the architectural or historic significance of the listed building and its setting.

Reasons

3. Core Strategy Local Plan Policy SPO2 states that the intrinsic quality of the historic environment will be protected, and Policy WCS14 quotes the presumption in favour of sustainable development. Residential extensions are the subject of saved Local Plan Policy DC19; they should normally be of an appropriate size and character relative to the original dwelling and not visually dominate or otherwise adversely change the character of the existing building. Policy EN27 sets out layout and design criteria, including scale, form and site coverage.
4. The Wealden Design Guide Chapter 12 on alterations and extensions to listed buildings states that extensions need to respect the form and character of the listed building and its setting....and 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.
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.
 7. Permission and consent were granted in May 2019 for a similar extension to the same elevation of the existing building (Ref: WD/2019/0104/F and 0113/LB) and it appears that a reduction in scale was agreed from 6.4m to 5.4m on the Officer's opinion as to the effect. The relevant dimension now sought is 7.4m. In addition to the extension, works are proposed to windows and internal layout, but they appear to be common to both this and the May 2019 schemes, and hence permission and consent are in place for those elements, and there was no need to inspect the internal area or consider that work in these Decisions.
 8. The dwelling *Chequers* is an imposing square building, listed Grade II, and it displays considerable architectural and historic significance on each elevation. The north-west elevation, where both the approved extension and that which is the subject of these appeals would be sited, displays interest in the roof form and chimneys, and the building's setting extends over a garden area and fields beyond, somewhat constrained by fencing between the garden and the approach drive.
 9. The conservatory in place on this elevation is however in poor condition and detracts from the significance of the building, the more so due to the rear wall having been plastered direct to the masonry, and disrupting the tile hung upper level. The removal of the conservatory would be a public benefit in the better presentation and understanding of the building, but that is achieved in the approved scheme.
 10. No issue is taken with the Council's previous decisions to grant permission and consent for the 5.4m extension, and that is not a matter before the present appeal. Suffice to say that from the approved elevations set out in the Council's Statement, the 5.4m length and particularly the length of the ridgelines of the 2 roofs would appear in balance with that of the main house roof, and the hip-ends and chimney would echo features of the house sufficiently close as to be in visual harmony.
 11. The length of extension now proposed would however appear out of balance with the features of the house and would introduce an over-long ridgeline on the 2 new roofs, divorcing the hip ends and chimney from those significant features of the listed building. Whilst the approved addition would be subservient in size, that now proposed would appear to dominate the building, drawing the eye away from the truly historic part and upsetting the balance in place now and achieved in the approved addition. This would erode the special interest of the building and the longer extension would cause harm to its architectural significance and diminish its historic significance.

12. 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 this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
13. In this connection, the appellant takes issue with the Council's reference to the harm being 'significant', being of the view that there are only the 3 levels of harm identified in the Framework; no harm, less than substantial harm and substantial harm. There is however more to the identification of harm and the resulting balance than that; the web-based Planning Practice Guidance makes clear at Paragraph: 018 Reference ID: 18a-018-20190723 that within each category of harm, the extent of the harm may vary and should be clearly articulated.
14. It is immaterial whether the Council found less than substantial harm with sufficient public benefits in the 5.4m scheme, or no harm, as they considered it acceptable. The conclusion in this Decision with regard to the 7.4m scheme is that the harm is some way up the long 'less than substantial' scale and that public benefits should be commensurate with that finding.
15. The appellant asserts that the extension is necessary for an improved quality of life and that if built under the approved plans, it would fail to be functional for their intended use and consequently would fail to meet the applicant's needs. Policy EN27 states that the proposed development should ensure a satisfactory environment for the future occupiers, but that does not necessarily entail meeting every need, and the reference in Framework paragraph 196 to securing an optimum viable use cannot be regardless of the effect on the listed building.
16. Whilst the care of a listed building by private owners is a public benefit, and such buildings may evolve with time to fit them for modern domestic life, the shortcomings identified by the appellant, and which are claimed not to be properly met in the 5.4m scheme, do not place the building at risk of falling out of its optimum viable use as a dwelling, and limited weight attaches to them.
17. In the balance required under paragraph 196, it is concluded that the public benefits do not outweigh the harm and that the proposal does not accord with the Development Plan and national policies previously cited and fails the statutory test in the 1990 Act. The increased length does not follow the guidance in the Design Guide and for the reasons given above it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR