The Planning Inspectorate

Appeal Decisions

Site visit made on 15 September 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 25 September 2020

Appeal A: APP/E2205/W/20/3254338
Island Farm, High Halden Road, Biddenden TN27 8JG

- 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 Mr Justin Wiggins against the decision of Ashford Borough Council.
- The application Ref 20/00120/AS, dated 26 January 2020, was refused by notice dated 24 March 2020.
- The development proposed is single storey extension, enlarged porch and addition of rooflights.

Appeal B: APP/E2205/Y/20/3254337
Island Farm, High Halden Road, Biddenden TN27 8JG

- 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 Justin Wiggins against the decision of Ashford Borough Council.
- The application Ref 20/00121/AS, dated 26 January 2020, was refused by notice dated 24 March 2020.
- The works proposed are single storey extension, enlarged porch and addition of rooflights, alteration to existing window, relocation of internal staircase, alterations to internal walls.

Decision Appeal A

1. I dismiss the appeal insofar as it relates to the single storey rear extension of the kitchen, changes to the wall materials and window on the existing extension, and the rooflight above the proposed new stair. I allow the appeal insofar as it relates to the rear porch and grant planning permission for enlarged porch at Island Farm, High Halden Road, Biddenden TN27 8JG in accordance with the terms of the application, Ref 20/00120/AS, dated 26 January 2020, 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 single storey rear extension of the kitchen, changes to the wall materials and window on the existing extension, the relocation of the staircase and the rooflight above. I allow the appeal insofar as it relates to rear porch and grant listed building consent for the enlarged porch and associated internal works at Island Farm, High Halden Road, Biddenden TN27 8JG in accordance with the terms of the application, Ref 20/00121/AS, dated 26 January 2020, and the plan submitted with it, namely

PD02c, so far as relevant to that part of the development hereby permitted and subject to conditions 1) and 2) on the attached schedule.

Main Issue

3. The building is listed Grade II and the main issue in both appeals is the effect of the proposals on the architectural or historic significance of the building and its setting.

Reasons

Policy and Statute

4. Local Plan Policy SP1 sets out the strategic objectives which include to conserve designated heritage assets, while Policy SP6 promotes high quality design more generally. Residential extensions are the subject of Policy HOU8, which are to be suitable in size, scale and materials to the existing dwelling. Policy ENV3a details requirements on landscape character and design, and Policy ENV13 concerns the conservation and enhancement of heritage assets.

5. Supplementary Planning Guidance Note 10 *'Domestic Extensions in Urban and Rural Areas'* contains general advice on design considerations such as being a 'reflection' of the character of the original building as a discernible addition or a 'continuation' the line and materials seamlessly.

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. 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.

8. The Reason for Refusal in both the planning and the listed building consent application refers specifically to the extension to the present kitchen, whereas there are a number of other parts to the proposals, as set out in the application, the Heritage, Design and Access Statement and the appellant's Statement of Case. These are not objected to in the Officer's Report, and do not feature in the Reasons for Refusal, but all areas of work fall to be considered at appeal. Access was permitted to the relevant parts of the dwelling with doors left open to view the under-stairs cupboard and upper areas.

Removal of Existing Staircase.

9. The present staircase is not original and sits on a base of concrete blocks. The headroom under the rear catslide is deficient and the construction of the stair treads, risers, string, newels and balustrade are unremarkable. The loss of this feature would cause no harm to the significance of the building. The making good and extension of the landing could be accommodated without harm.

Works to Form New Staircase.

10. The proposed site for the new stair would be in a utility room that displays no features of interest, rising to a void off Bedroom 3 under the catslide.

However, drawing PD01 and PD02c are at a small scale and there are no internal cross sections or other details that would be expected to inform a decision on such an intervention. Real doubts have been expressed in the Heritage, Design and Access Statement over hidden areas of structure and the photograph of the timber strut behind Bedroom 3 are noted as an item that *'will need to be investigated'*.

11. There is a limit to how much reliance should be placed on conditions seeking further details as there is a risk that the effect of the works on original structure could be unacceptable. In the absence of definitive details and proposals, it would be premature to allow this work to proceed, although the principle of relocation appears acceptable. Whilst paragraph 189 of the Framework states that the level of detail provided should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance, that threshold has not been reached with regard to the relocation of the staircase.

12. For that reason, consent should also be withheld for the removal of the existing stair as there is not sufficient justification in the form of an acceptable new position.

Rear Porch.

13. There is at present a later addition of a lean-to boiler room to the north elevation adjacent to the rear door, and this is of no architectural significance and limited historic or evidential interest. The proposed replacement with an enlarged porch fully integrated with the roof of the lobby would enhance the presentation of this part of the building. This area of work is separate and should be granted both planning permission and listed building consent since it satisfies the tests in the 1990 Act and is consistent with Policy HOU8 and the Supplementary Planning Document on extensions, as well as according with the other policies cites on the care of listed buildings.

South-facing Rooflight to New Staircase.

14. This would be placed within an existing but relatively recent roof slope and although visible in some fleeting views from the road, would not appear out of place or intrusive to the significance of the building. However, the rooflight would provide light and presumably air to the double-height formed by the new stair and whilst likely only affecting modern fabric, would not appear to be separable from the works to form the stair. For that reason it would not be appropriate to grant permission or consent, which should be considered as part of the whole, including the further investigation and details required for the stair.

Rear Extension

15. This would be placed as a further extension to one permitted under references 04/01889/AS and 04/01890/AS in 2004 – 2005, which provided an almost square kitchen with a predominance of solid wall and only limited window openings in a lattice pattern. Such a recent permission and consent would have been granted following consideration against the 1990 Act, local policy as it stood at the time, and Planning Policy Guidance Note 15 *'Planning and the Historic Environment'*. It appears as a lengthy addition, particularly along the south elevation, when compared with the depth of the main building, although

the impression along the more indented north side is of a shorter addition and the width is restricted compared with that of the main house and rear catslide.

16. The appeal proposal would add to this previous extension very much as a 'continuation' to use the term from the Supplementary Planning Document, with the roof and wall lines projected further out, but with changes to the materials, fenestration and the addition of a 'inglenook' and prominent external chimney. The change in materials would overcome the possible continuation of the present series of brick panels along the south side, each denoting change, and the large bifold glazed doors to the north would introduce a clearly contemporary character and appearance and avoid the risk of monotony,

17. However, whilst the present long extension just stays within balance with the original, and previously altered house, and does not vie for attention with the truly historic parts, the further extension of that line would be over-long and over-dominant and would upset the balance to the detriment of the architectural and historic significance of this fine building.

18. Whilst, as the Council accept, the preservation of listed buildings does not rely on a public view, the long southern elevation would be seen in fleeting views from the road such as through the gateway where the bins were stored, and in any event, the harm caused would be clear in private views from the setting of the building to the rear.

19. 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.

20. The does not appear to be any risk of the building falling out of its viable use as a dwelling and that should be regarded as the optimum use, being the one for which the building was first erected. The appellant has drawn attention to perceived shortcomings in the design of the 2004 – 2005 extension, and the addition would bring a dining area as part of the enlarged kitchen with the rooms opened-up to the extensive and attractive garden.

21. Desirable as these improvements would be to the occupiers, these are not public benefits as permitted to be balanced in paragraph 196, and the lack of the additional facilities would not pose a real threat to the continued preservation of the building by a private owner for the public benefit.

22. The conclusion with regard to the proposed further extension is that harm would occur, contrary to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as the local and national policies on the preservation of listed building previously detailed. No public benefits sufficient to outweigh or overcome that harm have been identified and both planning permission and listed building consent should be withheld for that extension.

23. The proposal included some change to the window and wall finishes on the south elevation of the existing extension, but it is not appropriate to permit these in isolation.

Conditions

24. The acceptable areas of work are separable physically and operationally from those parts that are not acceptable, and it would not be reasonable to withhold permission and consent in those areas, so that a split Decision can be issued.

25. The Council suggested conditions for both appeals, and these have been amended or added-to according to the items of work that are being permitted. Further details are required for the materials and construction of the porch and the nature of the associated internal changes to walls and doors.

26. The use of a pre-commencement condition can be avoided in the planning permission in accordance with paragraph 55 of the Framework, but the requirements of section 100za of the Town and Country Planning Act 1990 do not apply to the listed building consent, and notwithstanding the more recent area affected, it is reasonable to require further details of the works to the porch before any demolition takes place.

27. A condition naming the 'as proposed' drawings is required in the planning permission only for the avoidance of doubt, as again, the provisions for greater flexibility in planning permissions do not apply to the listed building consent, it being sufficient to list the drawing number in the formal Decision.

Conclusions

28. Parts of the proposals are not objected to by the Council and that view is concurred with in this Decision. However, the further extension of the kitchen would cause harm to the significance of the listed building and would be contrary to the statutory tests in the 1990 Act, national and local policy, and that harm is not outweighed by public benefits.

29. With regard to the staircase and rooflight above, there is an unresolved risk of harm and no overriding public benefit to indicate that the risk should be taken in the absence of further investigation work and definite proposals being submitted. Conditions would not provide sufficient comfort as to there being an acceptable solution, in order to discharge the duties on the Decision-maker under the Act. 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 plan, so far as relevant to that part of the development hereby permitted: PD02c.

3) No development of the porch extension shall proceed above ground level until samples of the materials to be used in the external surfaces of the extension have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using only the approved materials.

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) No works shall be carried out until the following details have been submitted to and approved in writing by the Local Planning Authority and the works thereafter shall be carried out only in accordance with the approved details.

   Detailed drawings at a scale of 1:20 and 1:10 of works to form the new porch including internal and external details, method of removals, demolition and making good, structural work and works at junctions and weathering.

   Samples of the materials to be used in the construction, internal and external finishes of the porch extension and internal alterations.

   Joinery details at a scale of 1:2 and full-size for new doors, frames and support posts.