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## Appeal Decisions

Site visit made on 28 September 2020

**by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTP**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 October 2020**

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### **Appeal A Ref: APP/E2205/W/20/3246002**

#### **Bagshot Cottage, Shottenden Road, Badlesmere, Faversham ME13 0LA**

- 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 & Mrs Mark Angus against the decision of Ashford Borough Council.
  - The application Ref 19/00919/AS, dated 7 June 2019, was refused by notice dated 6 January 2020.
  - The development proposed is the construction of extension with glazed link to the existing building together with associated landscaping alterations.
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### **Appeal B Ref: APP/E2205/Y/20/3246018**

#### **Bagshot Cottage, Shottenden Road, Badlesmere, Faversham ME13 0LA**

- 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 & Mrs Mark Angus against the decision of Ashford Borough Council.
  - The application Ref 19/00920/AS, dated 7 June 2019, was refused by notice dated 6 January 2020.
  - The works proposed are the construction of extension with glazed link to the existing building together with associated landscaping alterations.
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## **Decisions**

*Appeal A Ref: APP/E2205/W/20/3246002*

1. The appeal is dismissed.

*Appeal B Ref: APP/E2205/Y/20/3246018*

2. The appeal is dismissed.

## **Preliminary Matters**

3. As the proposal relates to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

## **Main Issues**

4. The main issues are whether the proposal would preserve the grade II listed building, any of the features of special architectural or historic interest that it possesses, and the extent to which it would preserve its setting.
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## Reasons

### *The significance of the listed building and its setting*

5. This C16 timber-framed house, perhaps a replacement of an earlier building, was probably a farmhouse, and may well have been part of a large estate or farm, its hall form and ostentatious fireplaces reflecting the gentrified pretensions of the time of its construction.
6. Its C16 plan form of a room either side of the chimney was extended in the C18 by a lean-to extension across its back, incorporating what may be the remainder of part of a C17 extension. The west elevation was rebuilt in the C19, and following a period of dereliction, in around 2004, substantial repairs were carried out to the timber structure and building fabric. Historical maps suggest that outbuildings have been part of its evolution since the C17.
7. The building retains much of its distinctive jettied form, as well as its central chimney stack and fireplaces. I find that the special interest of the listed building, insofar as it relates to these appeals, is twofold. First, the surviving historic forms and fabric of the building, illustrating its evolution over five centuries. Second is the setting of the building, being most particularly the bearing of the open aspect of the land around the building on its plot, and to a lesser degree the wider, exposed setting of the agricultural fields which surround the plot and provide its historic, agricultural context. Both factors contribute to the historic and architectural significance of the listed building.

### *The effect of the proposal on the significance of the listed building*

8. Extension: The extension would be around the same depth as the overall depth of the whole listed building, almost twice the depth of its historic core, and more than half its width. While I appreciate that the extension, which would stand alongside the listed building, would be set back from its front, its size would appear to confront the scale of the listed building, which is very much part of its historic and architectural significance.
9. The footprint of the proposal would be disproportionately large in comparison with the historic plan form of the listed building, which has evolved over 500 years. The resulting height of the extension, and particularly the effect of the extensive roof planes springing from this footprint, would be to undermine the architectural status of the listed building and its historic significance as a building from the C16.
10. I appreciate that the eaves of the extension would be set sensitively lower than or at around the same level as those of the listed building. Its rear would reflect the shape of the roof over the back of the listed building. The distinctly different, gable form of its front would, given the set-back of the extension, be sensitive to the roof forms of the listed building. Similarly, though the front would contain more openings than solid wall, it would be architecturally distinct and separate from the listed building. With the glazed link softening its bearing on the more solid elevation of the listed building, there is latitude for a different fenestration, as demonstrated in the front elevation of the extension, whose materials would reflect those of the listed building. I have taken into account all these sensitive design elements of the extension.
11. However, despite the good manners of its materials and detailing, simply because of its size, the extension would overpower the listed building,

unbalancing the status of the historic building in its setting, and diminishing its architectural significance. For this reason, the proposal would harm the special historic and architectural interest of the listed building. It would conflict with policies SP1, SP6, ENV13, and HOU8 of the Ashford Borough Local Plan 2030 (LP) which require development proposals to be of high quality design, to sustain and enhance the significance of heritage assets and the contribution they make to local character and distinctiveness, and which expect extensions to dwellings to be suitable in size to the existing dwelling.

12. Link: The glazed link which would connect the extension to the listed building, would open-up a later doorway in the elevation altered in the C18 and C19, but sealed in 2004. The detailing of this element is sufficiently distinct from both the extension and the listed building to distinguish a legible separation between the two. It would remove the risk of any confusion over the building's evolution, while having an architectural integrity of its own. There would be no disruption to the historic plan form of the house, and only very minimal loss of modern infilling. In respect therefore of the historic fabric of the house, and the structure which would connect it to the extension, I find no harm to the building's significance.

*The effect of the proposal on the setting of the listed building*

13. I note the comments of the Council about the formality of the landscape around the listed building. However, the present garden design surrounding it, with its Tudor stylistic influence, appears to me a recent development. Without archaeological evidence that this reflects the origins of the house or its development and has historic significance, the bearing of its quasi-symmetrical layout on the building, which has lost the legibility and continuity of any axis through the landscape and which appears informally sited in relation to the plot and its extended boundaries, is very limited. The effect of the proposal on the present garden design does not count against it, nor does the garden design make this proposal a compelling next stage in the development of the building.
14. Notwithstanding this, the space around the listed building, which is a solitary building standing in relative isolation in its plot, and in turn within its wider, undulating and open agricultural hinterland, is an important part of its historic significance and a landscape feature which sets-off the listed building.
15. From the distance of the surrounding lanes and fields the proposal would appear part of the built form on the plot. There would be little or no effect on the wider setting of the listed building. Nonetheless, the introduction of a connected form of the size proposed here, between the house and the relatively close and enclosing side boundary, would reduce the breathing space around this flank of the house, diminishing the isolated, spatial character of its immediate setting. It would squeeze that space and crowd that boundary to an insensitive degree, eroding the spatial prominence of the listed building given by the immediate setting of its plot.
16. I appreciate that the extension could be screened from the wider setting of the listed building by additional planting; it is already to a large degree. But this would not mitigate the harm identified above to the immediate setting of the building which has been listed irrespective of whether public views of the building can be gained. I acknowledge that the proposal is, in principle, reversible. However, there is no suggestion that the proposal is temporary. Given the amount of additional accommodation it would provide, and the work

involved to form it, I give the likelihood of its removal, which would defeat the very purpose of its construction, little weight.

17. The proposal would therefore conflict with LP policies SP1, SP6, and ENV13 which require development proposals to be of high-quality design, to conserve and enhance designated heritage assets and the relationship between them and their settings in a way that promotes distinctive places.
18. The building and landscape effects of this proposal would not preserve the special architectural and historic interest of the grade II listed building, or its setting, contrary to the clear expectations of the Act, paragraph 192 of the National Planning Policy Framework 2018 (the Framework) and the development plan policies. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or development within its setting. However, this does not equate to a less than substantial planning objection, particularly so where the statutory tests are not met.

### **Other Matters**

19. The location of the site in the Kent Downs Area of Outstanding Natural Beauty is an area which has the highest status of protection. I have had regard to the great weight that should be given to conserving and enhancing its landscape and scenic beauty. The listed building has limited prominence in the wider landscape beyond its immediate surroundings, the trees and hedges of which largely screen it. The listed building has more prominence on the more open field boundary to the east, but as the proposal would be sited on the opposite side of the plot, behind the listed building, I find no harm to the AONB from this proposal and no conflict with LP policy ENV3b which protects it.
20. I acknowledge the previous appeals and the consents for an extension to the listed building. However, the consented extensions would appear to be sited behind the rear elevation of the listed building, in an area of far greater space than the confined area between its flank and the plot boundary, as proposed in this case. The extensions in the consented proposals would also be partly sunken into the ground whereas this proposal would rise from ground level. The different siting and ground relationship of the consented extensions is incomparable to the extension in this case. They would not cause the harm identified from the extension in this appeal, hence their fallback is not a factor which weighs in favour of this proposal.
21. I note that this proposal may provide greater universal access than the consented schemes. However, there is no substantive evidence that the residential use of the building would cease following their implementation, or that it could not be used as intended. I appreciate that the consented extensions would be sited closer to the older sections of the listed building than this proposal. However, there is no substantive evidence that the construction of the consented extensions would present insurmountable archaeological or drainage challenges, or material risks to the listed building.

## **Planning Balance**

22. I conclude that the works would fail to preserve the special architectural and historic interest of the grade II listed building and they would harm its setting, thus failing to satisfy the requirements of the Act, the Framework, and the development plan. Though the harm I have found would be less than substantial, I give this harm considerable importance and weight in the planning balance of these appeals.
23. Paragraph 196 of the Framework advises that harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. I appreciate that the development would provide additional living space, as well as improving the comfort and convenience of the occupiers, and the accessibility of the rooms compared with the consented extension. While I understand the motivation behind the proposal, and recognise the environmental and social benefits, they would be of limited benefit to the public at large. Moreover, there is no substantive evidence that a more sensitive solution could not bring similar benefits, or that without the extension the residential use of the building would cease.
24. Construction of the proposal would bring economic benefits from employment, the commissioning of services, and the retention of building craft skills. These public benefits do not, however, outweigh the harm identified above to the significance of the heritage asset to the conservation of which the Framework indicates great weight should be given, and the statutory expectations that the special historic or architectural interest of the building and its setting be preserved.
25. In the absence of any public benefit to outweigh the harm identified above, I conclude that the works would fail to preserve the special historic and architectural interest and setting of the grade II listed building. It would fail to satisfy the requirements of the Act, the Framework, and the development plan.

## **Conclusion**

26. For these reasons, the appeals are dismissed.

*Patrick Whelan*

INSPECTOR