



Appeal Decision

Site visit made on 9 March 2021

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021.

Appeal Ref: APP/X2220/D/20/3250580

13 Church Street St Mary's, Sandwich, CT13 9HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Maurice Blackman against the decision of Dover District Council.
 - The application Ref DOV/20/00097, dated 27 January 2020, was refused by notice dated 25 March 2020.
 - The application sought planning permission for the erection of a single storey rear extension, garden wall with gate, replacement of windows and front door, application of render and external alterations (chimney and existing garden wall to be demolished) without complying with conditions attached to planning permission Ref DOV/18/01280, dated 24 June 2019.
 - The conditions in dispute are Nos. 1 and 3 which state that: 1. The development hereby permitted shall be carried out in accordance with the following approved plans: 002-001 Rev 10, 002-002 Rev 07, and 030-001 Rev 09 received 29th March 2019, SK01 Rev P1 received 22nd February 2019, PR360-001-001, PR360-002-001 and PR360-003-001 received 3rd December 2018; and 3. The materials and colour of the render of the external walls and the Flemish bond brickwork of the original existing garden wall (the corner section to the north of the pedestrian gates) to be used in construction of the external surfaces of the development hereby permitted shall match those used on the existing building.
 - The reasons given for the conditions are: 1. for the avoidance of doubt; and 3. in the interests of visual amenity.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The variation sought to condition 1 is to replace the reference to drawing 030-001 Rev 9 with reference to drawing 030-001 Rev 10. The revised text sought to condition 3 is: "The materials and colour of the render of the external walls 'to the existing building' and the Flemish bond brickwork of the original existing garden wall (the corner section to the north of the pedestrian gates) to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building."

3. Although the text of the variation sought to condition 3 does not say so, the objective of the application was to enable the extension to be clad in vertical naturally weathered oak cladding (board on board profile).

Main Issue

4. The main issue is the effect of the proposed change in materials on the character and appearance of the Conservation Area.

Reasons

5. No.13 Church Street is a two storey end of terrace property on a prominent corner, within the Sandwich Walled Town Conservation Area and is adjacent to Grade II listed buildings. The listing applies to Nos. 15 to 21 (odd) Church Street St Mary's (west side). These are described as "*C16 timber framed houses with their 1st floor overhanging on moulded bressummer and brackets. 2 storeys, one window each. No 17 has a half hipped gable with an attic window in it which is also jettied. No 15 has been wholly and No 17 partly refaced with cement. Nos 19, 21 have painted brick infilling. Sash windows inserted on ground floor of Nos 15, 19, 21 with glazing bars intact. Other houses have casement windows. Nos 19 and 21 have a moulded wooden eaves cornice. Nos. 13 to 23 (odd) and Nos 27 to 33 (odd) form a group*". There are also several other listed buildings in close proximity to the application property. At the time of my visit, the garden wall and the structure of the approved extension was largely completed.
6. The council points out that the details of the development were the subject of careful negotiation to ensure that the extension would be sympathetic to the character and appearance of the conservation area, and the setting of the listed buildings. The predominant materials palette in this part of the conservation areas is brickwork and render, and the proposed vertical timber boarding does not relate well to the context.
7. For the appellant it is said that the existing condition 3 is poorly worded, but its intentions are clear. Research of historic OS maps indicates that at some time between about 1870 and 1900, properties south of No. 15 were removed to allow the widening of what is now School Road and No. 13 was erected on the remaining corner of land. The property is thus not of a sufficient age or architectural interest to be statutorily listed. The extension that the council permitted is unashamedly contemporary, with a slack pitched lean-to zinc standing seam roof with rooflights and with a rear wall almost entirely formed of a large glazed opening and door set in a metal frame and with a metal side panel abutting that. The only 'traditional' element of the design is that the side wall to the back edge of the pavement was to be rendered. The height of the extension is such that the roof and upper rear walls are visible from outside the site and the contemporary nature of the design is evident.
8. The appellant explains that all that is sought is a minor alteration of the glazed area on the rear elevation and replacing areas of the extension that were to be render finished with areas finished with vertical natural oak boarding. This will enable the extension to be seen clearly as an addition to the original building. A benefit is that the awkward juncture between the two storey rendered wall and the flank elevation of the single storey element will be avoided.

9. Reference is also made in the appeal statement to the two approaches to the extension of buildings, as pioneered by The Society for the Protection of Ancient Buildings. An extension should tell the history and development of the building and should not be a pastiche of what has gone before or, alternatively an extension should meld seamlessly with its host and should appear a part of the original. Either or both approaches can work successfully. In this instance however the approved scheme tries to straddle both stools, whilst it is unashamedly contemporary in design its treatment of the side wall tries to convey a more traditional appearance to the extension. It was to remedy this dichotomy that the use of vertical timber boarding was proposed; a material that reflects traditional usage but in a more contemporary way, complementing the modern design of the extension.
10. It is pointed out that at the corner, opposite the appeal site garden, is a set of wooden garage doors and a set of wooden double gates, both having a significant presence in the street and both being vertically timber boarded. These gates dominate the rear garden of the appeal site visually and give context to the proposal. Elsewhere nearby, are other boarded gates and buildings.

Conclusions

11. I agree with much that is said in support of the appeal. When adding to a building of some interest, it is generally desirable to avoid pastiche and to let an addition be seen for what it is, unless the seamless approach is justified. That is certainly the approach that was taken by applying modern elements to the design of the extension. Furthermore, there is a variety of materials used in the conservation area, that reflect usage over a considerable period of time. And, as the Courts have held, the preserve part of 'the character or appearance of which it is desirable to preserve or enhance' is a 'neutral test', requiring the avoidance of development detracting from character or appearance, rather than preservation of exactly what is present. However, as always each case is a matter of judgement.
12. I have looked carefully at the examples put forward of various forms of boarding that can be seen in this conservation area, but I do not find them a sound basis for a convincing argument that, because boarding exists, its use must be reasonable and acceptable. Some are of white painted horizontal boarding, including on a small development of modern houses.
13. The examples that are most similar to the vertical naturally weathered oak appear as detractions, particularly the wooden garage doors and a set of wooden double gates, that have a significant presence in the street. In spite of their presence, I consider that the boarding proposed on the extension, minor though it would be, would detract from the character and appearance of the area.
14. I am not convinced that there would be an awkward juncture between the 2-storey rendered wall and the flank elevation of the single storey element, that should be avoided. And this certainly could not be seen as producing a pastiche. Nor do I accept that cement render must connote an attempt to follow the original. Many modern buildings are finished with render, or the appearance of render. In this instance it is merely utilising a finish that suits both the host building and the surroundings. I conclude that the proposed oak

boarding would detract from the surrounding context and would fail to preserve or enhance the character or appearance of the conservation area. For that reason, I dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR