
Appeal Decisions

Site visit made on 11 October 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Appeal A: APP/Q1445/W/21/3277877

Timbers, The Green, Rottingdean, East Sussex BN2 7HA

- 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 Shaun Pickering against the decision of Brighton and Hove City Council.
 - The application Ref BH2021/00667, dated 8 February 2021, was refused by notice dated 7 May 2021.
 - The development proposed is described as first floor roof extension to the west (rear of property) for en-suite bedroom and new stair.
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Appeal B: APP/Q1445/Y/21/3277879

Timbers, The Green, Rottingdean, East Sussex BN2 7HA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr Shaun Pickering against the decision of Brighton and Hove City Council.
 - The application Ref BH2021/00668, dated 8 February 2021, was refused by notice dated 7 May 2021.
 - The works proposed are described as first floor roof extension to the west (rear of property) for en-suite bedroom and new stair.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. As set out above, there are 2 appeals on this site. Each relates to the same scheme but they address separate applications for planning permission in the case of Appeal A, and listed building consent in the case of Appeal B. I have considered each on its individual merits, however, in order to avoid duplication, I have dealt with the Appeals together, except where otherwise indicated.
4. The application subject of Appeal A was partly refused on grounds of a lack of information related to archaeology. The Council is however satisfied that this has been addressed by information submitted with the appeal, and has therefore withdrawn its objection. I shall therefore consider this matter no further.

Main Issues

5. The main issues are:

- whether the scheme would preserve a Grade II listed building, its setting, or any of the features of special architectural or historic interest that it possesses, and whether it would also preserve the settings of adjacent listed buildings; and
- in relation to Appeal A, the effects of the scheme on the living conditions of occupants of Hillside in relation to outlook.

Reasons

Listed buildings

6. Timbers is a Grade II listed building, and thus a designated heritage asset. Whilst the Act sets out the desirability of preserving listed buildings, paragraph 199 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets.
7. Insofar as it is relevant to these appeals, the special interest and significance of Timbers resides in its C19th or earlier date, its origin as a barn, its vernacular construction, and its relationship with other historically associated buildings. At the point of listing Timbers had already been converted into a dwelling.
8. Conversion and subsequent alterations have led to domestication. Indeed, the original agricultural function of the building is no longer obvious externally. Timbers nonetheless retains a distinctly modest single storey hipped form, and strong vernacular character. This remains appreciable both front and rear, despite the latter being compromised by addition of a chimney stack, rooflights and recent conservatory-type extension.
9. The appeal scheme would entail further extension to the rear. This would be at first floor level, in effect therefore involving enlargement of accommodation within the roof space. Insofar as the building is a distinctly simple single storey form, such an extension of the roof would appear immediately at odds with its character. This impression would be accentuated by the timber framed and gable ended design proposed, which would not relate to the form and construction of the historic building; the conspicuous positioning of the extension close to the hip at the northern end of the building; and the odd jettied arrangement proposed, which, utilising 'stilts' at ground floor level, would appear wholly alien in context. The extension would therefore appear acutely incongruous.
10. It is apparent that the proposed design has drawn at least some inspiration from that of the existing extension, which also incorporates timber framing and features a gable. However, this does not alter the fact that these features are not characteristic or complementary of the form and construction of the historic part of the building. The existing extension otherwise stands at ground floor level and is reasonably centred within the elevation. In these regards its overall physical and visual effects differ from those to which the proposed extension would give rise.

11. Clearly, the rear elevation of the building has already undergone change. This change has adversely affected its character. In this regard the largely intact front roof slope holds greater importance. That does not however automatically mean that further change to the rear should therefore be considered acceptable. Indeed, I find that whilst the proposed extension would have an individually harmful effect, this harm would be greatly amplified in combination with that caused by previous alterations.
12. There would be limited scope for public views of the extension, and no obvious scope for it to be viewed within the context of the rear elevation as a whole. Be that as it may, the special interest and significance of a listed building does not depend on the availability of public views. As such I find that the appeal scheme would neither preserve the special interest of the listed building nor conserve its significance.
13. As noted above, the special interest and significance of the listed building is at least partially derived from its historic relationship with other buildings. These include Hillside Barn adjacent, and Hillside, which are Grade II and Grade II* listed buildings respectively. Insofar as it is relevant to Appeal A the significance of Hillside Barn resides in its historic function as an agricultural building, which in this case remains clearly discernible. This in turn contributes to appreciation of the significance of Hillside, given the historic role of the latter as the farmhouse with which both Hillside Barn and Timbers were associated.
14. Land attached to Hillside still wraps around the plot on which Timbers stands, and the former barns are positioned close to one another. The plots are however otherwise very well separated by boundary walls, and both this, and the loss of agricultural character at Timbers, means that it currently contributes little to appreciation of the special interest and significance of Hillside Barn and Hillside. In this regard, the harm I have identified above in relation to Timbers would not extend to appreciation of the adjacent listed buildings. As such their settings would be preserved.
15. I have found above that the scheme would fail to preserve the special interest of the building, contrary to the expectations of the Act. The harm caused to the significance of the listed building would be less than substantial. Such harm attracts great weight. In accordance with paragraph 202 of the Framework it is necessary to weigh this harm against the public benefits of the scheme.
16. The appellant has not identified any public benefits, and the scheme would indeed solely serve the private benefit of the occupants of the dwelling. Insofar as the scheme would generate building work, the benefits to the broader economy would be negligible. As such, the harm that would be caused by the scheme would not be outweighed by public benefits. This indicates that the appeals should be dismissed.
17. For the reasons outlined above I conclude that whilst the settings of adjacent listed buildings would be preserved, the scheme would not preserve the special architectural or historic interest of the listed building subject of the appeals. In relation to Appeal A, and insofar as it is relevant to Appeal B, the scheme would therefore conflict with Policy HE1 of the Brighton and Hove Local Plan 2005 (the LP) which seeks to restrict proposals that would have an adverse effect on listed buildings, and Policy QD14 of the LP, which amongst other things seeks to secure extensions which are well designed, sited and detailed.

In relation to both appeals the scheme would otherwise fail to satisfy the requirements of the Act and heritage policy set out within the Framework.

Living conditions

18. The extension would be added near to the side boundary with Hillside. Hillside itself stands some distance away. In this regard the built form of the extension would be visible through a gap between Hillside Barn and an outbuilding towards its front. The small space between these buildings currently forms part of a larger parking area, and its existing definition by buildings and a boundary wall means that it has a somewhat enclosed character. The extension would provide a greater sense of enclosure to the space. However, the effects would remain less than those of Hillside Barn which is a much more substantial building. Whilst any sense of overbearing would therefore be very limited, its perception would be chiefly from within parking rather than amenity space. Given that the adjacent part of Hillside Barn is not itself in residential use, no unacceptable harm to the outlook of occupants of Hillside would therefore arise.
19. For the reasons outlined above I conclude that the scheme would not have an unacceptable effect on the living conditions of occupants of Hillside. It would therefore comply with Policy QD27 of the LP which seeks to restrict development where it would cause loss of amenity to adjacent users.

Other Matters

20. The site is located within Rottingdean Conservation Area (the Conservation Area). When assessing the application subject of Appeal A the Council identified 'clear harm'. However, despite citing of Policy HE6 of the LP which relates to conservation areas, such harm was not stated as a reason for refusal. In view of the duty set out in Section 72(1) of the Act, it is nonetheless necessary for me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in relation to both Appeal A and Appeal B.
21. Insofar as it is relevant to the appeals, the significance of the Conservation Area resides in the historic layout and character of the settlement, and the collection and interrelationship of historic buildings and spaces, both public and private, that it contains. Within this context the listed building is a notable feature, whose age, vernacular architecture, and agricultural background and associations make a positive contribution to the historic character, appearance and significance of the Conservation Area.
22. As noted above, there would be limited scope for public views of the extension. Whilst it could be viewed from adjacent properties, as well as from within the curtilage of Timbers, the impact of the scheme on the wider appearance of the Conservation Area would be limited. Be that as it may, the Conservation Area is a sum of both its public and private parts. In causing harm to the significance of the listed building, which would clearly be capable of being perceived from spaces within the Conservation Area, the scheme would harm the contribution that the listed building makes to the significance of the Conservation Area as a whole. I therefore find that the scheme would not preserve the character or appearance of the Conservation Area or conserve its significance. The harm caused would again be less than substantial. In this instance however, it would attract considerable importance and weight

23. I am mindful of the fact that the effect of the scheme on the Conservation Area was not an explicit reason for refusal. However, notwithstanding the additional weight that the identified harm lends in favour of dismissing the appeals, this does not alter the outcome of my findings in relation to paragraph 202 of the Framework set out above. Similarly, the additional conflict that a failure to preserve or enhance the character or appearance of the Conservation Area would cause in relation to the Act, the Framework, and Policy HE6 of the LP, does not alter the outcome of my conclusion in relation to the first main issue. As such, the matter is not determinative of the outcome of the appeals. I am therefore satisfied that the interests of neither party are prejudiced by my findings.

Conclusion

24. The scheme would cause unacceptable harm to a designated heritage asset, and in relation to Appeal A, would conflict with the development plan. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that Appeals A and B should be dismissed.

Benjamin Webb

INSPECTOR