



Appeal Decision

Site visit made on 8 March 2022

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 6 April 2022

Appeal Ref: APP/X2220/D/22/3290732

Yew Tree House, Back Road, Barfrestone, Kent, CT15 7JH

- 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 G O'Connor against the decision of Dover District Council.
 - The application Ref 21/01121, dated 12 July 2021, was refused by notice dated 26 October 2021.
 - The development proposed is replacement garage, access gates and wall.
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Decision

1. The appeal is dismissed.

Main Issue

2. The property is located in the Barfrestone Conservation area. There is a listed building, Kilmun, situated on the far side of Yew Tree House and outside of the setting of the proposed development. Accordingly, I consider the main issue in this case to be whether the proposed development would serve to preserve or enhance the character or appearance of the Conservation Area.

Reasons

3. Yew Tree House is a substantive detached, two-storey, thatched roofed dwelling set at right angles to the road. It has a large garden to the south and west, bounded by a brick wall to the road. There is a modest detached flat roof double garage located in the southern corner of the garden but set back from the road with parking in front.
4. The appellant proposes the demolition of the existing garage and the construction of a replacement detached building approximately 5.2 meters or so further into the site. The proposed building would comprise a double garage, workshop area and sunroom with an office over in the roof space. To allow for the new building a Copper Beach and Cherry tree would be removed. In addition, a new wall and access gates would be built facing the road.
5. The existing garage is a later utilitarian structure compared to the house. Accordingly, I concur with the Council that it does not make a positive contribution to the overall character of the conservation area and therefore there would be no objection to its removal.
6. The replacement building would, by reason of its design be typical of vernacular outbuildings found in rural setting such as this. However, the new

building, which would be much larger than the existing garage, would have a half-hipped dark slate high-pitched roof with solar panels fitted to its western slope. The walls would be finished in black vertical weather boarding over a brick plinth. Accordingly, this new building set on slightly higher ground would because of its scale, form and finish have a more dominant appearance than the existing modest garage building to be removed.

7. In my judgement, on balance due to the dominant impact of the new building on the street scene of Back Road this large building with accommodation on two floors would cause harm to the character and appearance of the conservation area.
8. The Council consider the Cherry Tree to be ornamental and therefore do not raise any objection to its removal. However, it believes the Cooper Beach tree adds value, in terms of its visual qualities and verdant character, to the conservation area.
9. From the evidence before me I understand that a report was submitted by an arboriculturist to the Council. That indicated that the Copper Beech tree is believed to date from the 1960's, is healthy and structurally sound and should live for another 40 or so years. However, due to soil conditions it will not grow into a large, tall tree.
10. The Yew tree to the rear of the site is tall and a more dominant feature than the Copper Beach, which is unlikely, due to soil conditions to reach full maturity, and thereby impact significantly upon it. From my observations on site I consider that the Copper Beach does add value to the visual amenity and verdant quality of the conservation area and its loss, despite it not being a native tree, would in this village setting add to the harm caused by the introduction of a new larger outbuilding here.
11. The National Planning Policy Framework (the Framework) requires great weight to be given to the conservation of designated heritage assets, which include conservation areas. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits, including securing the optimum viable use.
12. The proposed development would provide some limited economic benefit and retain on-site parking here where public parking is limited. However, given the harm that has been identified I conclude that the public benefits would not outweigh this harm, or the conflict that it would have with the objectives of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Framework as they relate to the quality of development and the preservation or enhancement of the character or appearance of conservation areas.

Other Matters

13. In reaching my decision I have had regard to the likely improvement to residential security if the development were to go ahead as planned. However, there may be any number of other measures that would achieve this objective without causing the harm I have identified.

14. I note that the appellant is prepared to omit the solar panels. While they are a contributing factor in my overall decision, their omission alone would not overcome the harm to the conservation area I have found.

Conclusions

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR