



Appeal Decision

Site visit made on 20 April 2022

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2022

Appeal Ref: APP/C1435/D/22/3290264

The Lodge, The Drive, Maresfield Park, Maresfield, TN22 2HB

- 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 Mrs Ganna Peatfield against the decision of Wealden District Council.
 - The application Ref WD/2021/1967/F, dated 3 March 2021, was refused by notice dated 7 December 2021.
 - The development proposed is for a detached garage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. On plan No.W0303, the proposed elevations show the roof of the proposed garage as being fully pitched. Conversely the roof plan, shown on the same drawing indicates that part of the roof would have a ridgeline and part of the roof would be flat. Also, the appeal statement states that the proposed garage would have a gable roof. At the appeal site visit the appellant confirmed that the drawings are incorrect and that the building would have an asymmetrical hipped pitched roof. As the height would be the same and the drawings indicate a pitched roof, I am satisfied that this is a matter that could be satisfactorily dealt with by condition, without prejudice to any parties.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the setting to The Lodge, which is a non-designated heritage asset and the Maresfield Conservation Area (MCA).

Reasons

4. The MCA includes the historic core of the village, along with the recreation ground, small-scale fields, an abundance of trees and hedges, former farm buildings and individual dwellings on spacious landscaped plots. This together with the topography, narrow lanes and the villages well wooded rural setting contributes to the character, appearance and significance of the MCA.
5. The MCA's core area is centred around the church and the junction of London Road, High Street and Batts Bridge Road. Along with the church it includes a range of medieval and post medieval buildings. This includes The Lodge, which the Council has confirmed was built in 1847 by Sir John Villers, as an entrance

lodge to Maresfield Park. This Gothic style stone building is locally listed due to its social, cultural and historic interest to Maresfield village.

6. The Lodge occupies a prominent position facing towards the road junction, the church and The Chequers Inn. The Drive passes through the middle of the property. It is both a public footpath and provides vehicular and pedestrian access to the low density housing to the rear of The Lodge. It similarly provides vehicular access to the parking area to the north of The Lodge. There is a second vehicle access to this parking area, directly off Batts Bridge Road.
7. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires that when assessing proposals for new development which affects the setting of a listed building, special attention shall be paid to the desirability of preserving its setting. Section 72 of the LBCA Act requires that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions referred to, special attention shall be paid to the desirability of preserving or enhancing its character or appearance.
8. Together, paragraphs 199, 200 & 202 of the National Planning Policy Framework 2021 (The Framework) state that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm to the significance of a designated heritage asset from development within its setting requires clear and convincing justification. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
9. Paragraph 203 of the Framework states that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining a planning application.
10. Spatial Planning Objective SPO13 of the Wealden Core Strategy Local Plan 2013 (CS) and policy EN27 of the Wealden Local Plan 1998 (LP), seek to ensure that new development is of high quality and promotes local distinctiveness through good design. New development should respect the character of adjoining development and the design, materials and landscaping should be to a high standard.
11. Paragraphs 7, 8, 11, 126, 130 and 134 of the Framework seek to achieve sustainable forms of development, of which good design is seen as a key aspect. New development should be visually attractive as a result of good architecture and should add to the overall quality of the area. Development that is not well designed should be refused. CS Policy WCS14 similarly promotes sustainable forms of development. Chapter 10, Part 8 of the Wealden Design Guide 2008 (SPD), advises that detached garages should reflect the architectural character and materials of the host property.
12. Currently, in views from around the road junction and from the front of The Chequers Inn the existing archway is clearly defined and provides views of the driveway surrounded by shrubs and trees. This reinforces the historic identity of the building, as a parkland gatehouse. In views from The Driveway the lower parts of the annex and the hard surfaced area is largely screened by existing shrubs and trees. However, in close views the rear elevation of the main part of the annex is clearly visible and frames the archway. The existing

garage is discretely positioned to the side of the annex and away from The Drive, where it is seen against the flat roofed entrance to the annex and the tall stone front walls at the front of the appeal site.

13. The proposed garage would be irregular in shape, with a shallow pitched asymmetrical shaped pitched roof and would have garage doors both fronting The Drive and at the rear. It would also have bi-folding doors facing towards The Lodge. The proposed garage would be clad in stone, with a tiled roof, aluminium framed windows and doors.
14. Not only would the garage be utilitarian in character and appearance, due to its size, asymmetrical shape, shallow hipped roof, aluminium garage doors and bi-folding doors it would be totally out of keeping with the character and appearance of The Lodge.
15. The proposed garage would be sited to the rear of The Lodge's attached annex, immediately adjacent to The Drive and close to the rear elevation of The Lodge. From the junction area and the front of The Chequers Inn it would dilute the definition of the archway and the verdant planting to the rear of the arch would be obscured. From The Drive the proposed garage would obscure views of the rear elevation of the annex part of The Lodge and dilute the presence and appearance of the archway. This harm would be materially exacerbated by the combined size, form and detailing of the proposed garage. The proposed garage would appear as a prominent and incongruous feature alongside The Lodge and The Drive.
16. For these reasons the proposal would unacceptably harm the character, appearance and significance of The Lodge and the MCA. In view of the nature and level of harm that would be caused it is not something that could be satisfactorily addressed through the imposition of conditions.
17. As required by paragraph 202 of the Framework the harm to the significance of The Lodge has to be taken into account and the harm to the significance of the MCA needs to be weighed against any public benefits resulting from the proposal. The appellant has stated that the garage would reduce use of The Driveway for vehicle access, as the Batts Bridge Road access would be used more frequently. Whilst this may be the case, currently drivers exiting the appeal site onto The Drive have reasonable pedestrian and vehicular visibility on either side of The Drive. Drivers also have the option of using the Batts Bridge Road access. With the proposal visibility toward the archway would be obscured by the side wall of the garage. This would outweigh the benefits of potentially reducing vehicular movements onto The Drive.
18. I have also taken into account the personal benefits for the appellant and their family that would result from the additional garage and associated storage space. However, in this instance such benefits would be clearly outweighed by the identified harm that would be caused by the proposal.
19. I conclude that the proposed garage would unacceptably harm the character, appearance and significance of the setting of The Lodge and would fail to preserve or enhance the character or appearance of the MCA. It detracts from the significance the MCA and this harm is not outweighed by any public benefits. Accordingly, the proposal conflicts with CS Policy WCS14, CS objective SPO13, LP Policy EN27, part 8 of the SPD and sections 2, 12 & 16 of the Framework.

Other matter

20. The appellant has expressed concern regarding the handling of the appeal application by the Council. This is not material to my consideration of the merits of the scheme, but is something that could be pursued with the Council.

Conclusion

21. The conclusion on the main issue amounts to a compelling reason for dismissing this appeal.

Elizabeth Lawrence

INSPECTOR