



Appeal Decisions

Site visit made on 25 May 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2022

Appeal A Ref: APP/T2215/W/21/3274970

Betsham House, Westwood Road, Southfleet DA13 9LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Andrew and Mrs Sally Woolnough against Dartford Borough Council.
 - The application Ref DA/20/01418/FUL, is dated 16 November 2020.
 - The development proposed is alterations to Betsham House together with changes to The Annexe to form an independent dwelling.
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Appeal B Ref: APP/T2215/Y/21/3274977

Betsham House, Westwood Road, Southfleet DA13 9LZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Andrew and Mrs Sally Woolnough against Dartford Borough Council.
 - The application Ref DA/20/01419/LBC is dated 16 November 2020.
 - The works proposed are alterations to Betsham House together with changes to The Annexe to form an independent dwelling.
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Decision

1. Appeals A and B are dismissed.

Applications for costs

2. An application for costs was made by Mr Andrew and Mrs Sally Woolnough against Dartford Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeals are against the Council's failure to determine applications for planning permission and listed building consent. The Council's Statement of Case outlines the reasons that it considers the proposal would be unacceptable, but these are not formal determinations of the Council as the jurisdiction to determine the applications transferred from the Council upon valid receipt of the appeal. Nevertheless, the Council has set out that it would have refused the applications had it been empowered to do so. I have therefore taken its reasons into account in determining the main issues.
4. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties have had the opportunity to comment upon the

relevance of any of its revised content and I have had regard to any responses received in my decision.

5. The 2021 Housing Delivery Test results were published on 14 January 2022. The latest results do not alter the Council's position from 2020 and no further action is required. I have therefore not engaged further with the main parties in respect of this matter.
6. The appellants have indicated that the annexe has been occupied as an independent dwelling for some time without complying with the restrictive condition imposed at the time permission was given to convert the building. I am not in possession of a certificate of lawfulness that demonstrates this fact and this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990 (TCPA). It is open to the appellants to apply to have the matter determined under sections 191 or 192 of the TCPA and any such application would be unaffected by my determination of Appeal A. I have therefore determined that appeal on the basis that the annexe is occupied in conjunction with Betsham House.

Main Issues

7. The main issues are:
 - whether the proposal would preserve the Grade II listed building, known as Betsham House, and any features of special historic interest that it possesses, including its setting (both appeals), and the effect of the proposed development on the existing qualities of the Betsham Area of Special Residential Character (Appeal A only); and
 - whether the appeal site is a suitable location for the proposed development, with particular reference to development plan policies concerned with housing and the accessibility of services and facilities (Appeal A only).

Reasons

Significance and Setting

8. The appeal concerns Betsham House, a Grade II listed building, and its garden, which is situated in a prominent position at the junction of Betsham Road and Westwood Road in the centre of Betsham. The house is arranged on a T-shape plan and likely originates from the 18th Century, but was altered in the 19th Century, including an L-shaped wing off to its eastern side. The architecture of the house is elaborate, principally in the extent of its timber detailing found in its porch, black painted window frames and white casements, and scalloped bargeboards. The brick exterior is also painted black and white.
9. The main house has an entrance door from Westwood Road, but its principal entrance is to the west, which overlooks its garden, the circular turning area and sweeping driveway served from Betsham Road. The garden is discreetly separated into several parts, with a lawn enclosed by mature planting to its south, east, and west. Tree planting forms an important part of the character of the garden and historic mapping indicates that its current layout, including the access to the annexe, has remained relatively consistent for some time.

10. The L-shaped wing to the east is in two distinct elements, with a lower part forming integral accommodation to the main house and a garden store, and the remainder a two-bedroom annexe. Both structures are much smaller in scale and their architecture is more restrained than for the main house but utilises a similar exterior treatment of white-painted brick. The Westwood Road façade incorporates short parapets which project above lean-to roofs behind. The roof slope of the lower part is clad in plain clay tiles and meets an opposing lean-to from the house mid-slope to form a roof valley, which is also screened from the road by a further parapet.
11. The annexe was formed in the 1980s as a conversion of a 1970s extension to a former stable range, the construction of which is clearly evidenced with new and tied-in brickwork and the infilling of an earlier arched opening to Westwood Road. The annexe is also clearly distinguished from the remainder of the wing due to its greater height, depth, and the parapet between.
12. The internal wall between the utility and garden store varies in thickness and I observed a blocked-up fireplace adjacent to the toilet within the utility and the chimney stack within the store. This adds credence to the Council's claim that it may, at some point, have formed a kitchen or bakehouse.
13. Despite alterations to the L-shaped wing, the integrity of the main house is retained and the simple appearance and different heights of both elements of the wing clearly distinguish it from the house. This enforces a hierarchy in the scale, form, and function of the different parts of the listed building. Together with surviving internal fabric, this adds to the understanding of how closely related ancillary accommodation has evolved to serve Betsham House and also provide a continuous enclosure of frontage to Westwood Road and its garden beyond. Despite this, from what I have seen and read, apart from parts of the east and north walls, which originally formed part of the stables, the fabric of the annexe generally appears to be modern, so these elements of construction are of limited significance.
14. In light of the above, as far as it relates to the appeal before me, I find the significance of the listed building to be found in its architectural and historic interest as a fine example of a 18th Century house, with later additions. The property also draws significance from its setting and I am mindful that the Framework defines this as being the surroundings in which a heritage asset is experienced. As outlined above, the house looks out over its landscaped grounds. The visual and spatial relationship of the house with its garden therefore forms an integral part of its historic setting, which contributes to its understanding and significance. Given its prominent location and visibility at the centre of the village, the listed building, its grounds, and outbuildings also make an important contribution to the existing qualities of the Betsham Area of Special Residential Character (BASRC).

The Proposal

15. The proposal is in three parts, firstly to partly demolish the annexe building to detach it from the listed building on its southern side and to enable a gap to the north for a separate vehicular access from Westwood Road. The annexe would be altered and extended upwards with a first floor and out to its rear with a two-storey extension, to form a new 3-bedroom detached dwelling. New timber casement windows to the roadside would be inserted in new positions. The walls would be white-painted render, with a black-painted plinth. The roof

would incorporate barn hips and be clad in handmade plain clay tiles, with rooms in the roof space served by rooflights and dormers to the front.

16. Secondly, while the lower part of the L-shaped wing would be retained, it would be reconfigured with a dual pitch roof and a gable added perpendicular to it to join with the main house beneath the existing gable of the house, which would incorporate matching scalloped bargeboards. The two existing high-level windows in the roadside façade would be removed and windows added at a lower level. An opening would be formed internally between the utility and garden store, next to the existing toilet. A further window would be added to the east façade and its panelled door would be replaced with one half-glazed.
17. Thirdly, the existing rear garden of the listed building would be split to provide the new dwelling with its own curtilage. Several trees would also be removed as part of the proposal.

Effect of the Proposal

18. The proposed dwelling would be formed by the upward extension of the existing annexe and a rear extension perpendicular to it. The latter would be extensive in depth and positioned perpendicular to the original range of buildings, alongside the proposed boundary for the new plot. Despite the inclusion of barn hips and accommodation within its roof space, the resultant height, scale, and massing of the dwelling would be significant in the context of the proportions of the existing buildings, which are subservient to the main house. The new dwelling would compete with the main house and therefore undermine the long-established hierarchy between it and the wing of outbuildings. This would be harmful to the setting of the listed building.
19. Given that the existing scale, form, and appearance of the annexe distinguishes it from the main house, the gap that would be formed between the remainder of the L-shaped wing and the new dwelling would be unnecessary. It would also remove the physical connection to the wing and, thereby, the main house, and harm the integrity of the enclosure provided by continuous built form. Similarly, although I am mindful that part of the existing fabric of the historic stable building would be retained, it would be unrecognisable as new openings would be formed and the exterior face finished in render.
20. The proposal would include garden space for the new dwelling. While the extent of outdoor space that would remain would be appropriate in the context of the living conditions of the occupiers of Betsham House, it would harmfully change the configuration of the garden of the listed building and the contribution its landscape setting makes to its significance. Replacement tree planting could be introduced along the new boundary line, but this is likely to take some time to establish, particularly to the extent of the existing planting in situ. The appellants suggests that the proposed subdivision would align with what has previously been approved by the Council for the annexe, but there are no details of the nature, extent and means of subdivision before me, so I afford this argument very limited weight.
21. The architectural form and detailing of the alterations to the lower part of the L-shaped wing would match the appearance of the existing house when viewed from the street. While they would be pleasant in their own right, the authenticity of the simple form and appearance of the wing, viewed from the garden and street, is important to understanding its place in the hierarchy and

function of the listed building and, thereby, its significance. Not all aspects of a listed house therefore have to be overtly domestic in appearance and the original form and appearance would be lost by virtue of the proposal, including through the alteration to the simple detailing of the garden store door.

22. Due to the internal layout of the lower part of the wing, the proposed opening between the current utility and garden store rooms would be likely to lead to the removal of the fireplace and some of the chimney stack. Neither the applications nor appeals explore the significance of these features to the building or explain why they need to be removed to facilitate access, which amounts to absence of a clear and convincing justification for the loss of this historic fabric.
23. The proposed dwelling and division of the garden of the listed building would therefore undermine the contribution made by the configuration of the existing buildings and garden to its setting and significance.
24. The design of the dwelling would be acceptable in itself but, given that the listed building, its grounds, and outbuildings make an important contribution to the existing qualities of the BASRC, the harm to the listed building and its setting would also lead to harm to the BASRC.

Public Benefits and Conclusions on the First Main Issue

25. The statutory duties in Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) are matters of considerable importance and weight. Paragraph 197 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Furthermore, paragraph 199 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. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have a clear and convincing justification.
26. The proposal would be harmful to the special historic interest of the Grade II listed building, including its setting, and have a negative effect on its significance as a designated heritage asset. In my view the harm that I have identified would equate to less than substantial harm to the significance of the asset, but nevertheless of considerable importance and weight. In such circumstances, paragraph 202 of the Framework and Policy DP13 of the Dartford Development Policies Plan (Adopted July 2017) (DDPP) identifies that this harm should be weighed against the public benefits of proposals.
27. The provision of a separate vehicular access would benefit the occupiers of the listed building and proposed dwelling, as existing access to the annexe crosses between two areas of the garden of the house. However, this is discretely landscaped and is a historic feature of the site, so its use does not harm the setting of the listed building. This aspect of the proposal would not therefore amount to a heritage, social or environmental benefit.
28. The Council can demonstrate five-years supply of deliverable housing land and this has not been disputed by the appellants, but there is disagreement as to whether the existing annexe constitutes a separate dwelling. Even if it is not,

the proposal would only provide one additional family home within the Borough. The additional residents that could reside therein could contribute to the support of facilities and services in nearby settlements, but would be likely to do so by using private motorised transport. The appeal site is already in residential use within a settlement, which would help to reduce the pressure on undeveloped, Green Belt land, that contributes to the character of the Borough. Furthermore, the proposal would utilise sustainable construction standards. However, given the magnitude of the proposal, these economic, social, and environmental benefits would be limited in scale and kind.

29. I also recognise that the proposal could be said to make more efficient use of the annexe and the garden of Betsham House, but the Framework is clear that making efficient use of land should include taking into account the desirability of maintaining an area's prevailing character and setting, including of gardens.
30. Taking the above together, the public benefits I have outlined would not justify allowing works and development that would fail to preserve the special historic interest of the Grade II listed building, including its setting. Therefore, in accordance with DDPP Policy DP13 and paragraphs 199 and 202 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.
31. Despite the appellants pointing to support from some of the Council's officers prior to the appeal, I have arrived at my own conclusions based on the evidence before me. I therefore conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building, Betsham House, including its setting. In the context of Appeal A, the proposed development would also have a harmful effect on the existing qualities of the Betsham Area of Special Residential Character. Hence, the appeal proposal would fail to satisfy the requirements of the Act, paragraphs 197, 199 and 200 of the Framework and conflicts with the design and heritage aims of DDPP Policies DP2, DP7, DP12, DP13 and DP25 and the aims of Dartford Core Strategy (Adopted September 2011) (CS) Policy CS10 in respect of the benefits associated with Windfall Sites.

Location and Accessibility

32. The appeal site is situated within the village centre of Betsham, which is located south of the A2. CS Policy CS10 plans for 200 houses on sites such as this. However, there is no evidence before me to suggest that the appeal site was identified in the Council's Strategic Housing Land Availability Assessment of 2010 or any subsequent version. The policy therefore requires assessment of a site through consideration of several criteria, one of which relates to a balancing of benefits and disbenefits, which I have applied in considering the heritage balance in the first main issue. The other considerations relate to accessibility to and provision of infrastructure, which includes services and facilities. These requirements are reiterated and expanded upon in DDPP Policy DP6 and the Councils' Housing Windfall SPD (Adopted October 2014).
33. The scale of development proposed would not have a material impact on social, community, and green infrastructure. I note that the Council arrived at a similar conclusion. Nevertheless, there are no services or facilities within Betsham and the opportunities to walk or cycle to those available in nearby settlements would not be convenient or realistic ones, particularly for

occupants with young children or mobility issues, especially after dark or during inclement weather. Future occupiers of the proposed dwelling would therefore be highly likely to be required to travel regularly by private motorised transport to access education, retail, employment, and healthcare.

34. The proposal would not, of itself, generate a large number of traffic movements and many of these journeys may be shorter, to neighbouring settlements using the nearby A2 and could already be made by existing occupants of Betsham House, including the accommodation within the annexe. While a greater dependency on car use is inevitable in more rural locations and the village is served by two bus routes, these are only on an hourly basis for daytime connections to the Greenhithe and Longfield stations and Bluewater and not in the evening or on Sundays. The bus services available therefore appear to be limited in their scope and extent, so would be unlikely to provide a reasonable alternative to private motorised transport to the majority of destinations. The cumulative effect of allowing developments in locations such as the proposal would therefore be likely to increase the amount of unsustainable journeys made.
35. I note that the Highway Authority did not object to the proposal but it is unclear whether its remit extends to considering such matters. Nonetheless, I have arrived at my own conclusions based on the evidence before me.
36. For the above reasons and having regard to my findings in the heritage balance of the first main issue, I conclude that the appeal site would not be a suitable location for the proposed development, having regard to the Council's development plan and its accessibility to services and facilities. Hence, the proposal would conflict with CS Policy CS10, DDPP Policy DP6 and the SPD.

Planning Balance

37. In respect of highway conditions, residential amenity and housing quality the proposed development would be acceptable and in accordance with the relevant policies of the Local Plan.
38. In light of the heritage harms I have identified, paragraph 11d) i) of the Framework would apply. The application of policies in the Framework that protect areas or assets of particular importance therefore provides a clear reason for refusing the proposed development, so the presumption in favour of sustainable development advocated by the Framework and DDPP Policy DP1 does not apply.
39. I have already identified the benefits of the appeal scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets. Furthermore, the absence of harm in respect of other considerations which comply with the policies of the development plan, including the living conditions of occupiers of the site and neighbouring dwellings, highway safety and parking provision, and housing quality would neither weigh for nor against the appeal scheme. In terms of harm, for both appeals the proposal would not comply with development plan policy in respect of harm to the special historic interest of the listed building, including to its setting; and for Appeal A only, the proposal would conflict with development plan policy in respect of the character and appearance of the Betsham Area of Special Residential Character and its location and accessibility to services and facilities.

40. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of significant weight against the grant of planning permission.

Conclusion

41. The proposal would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeals should not succeed.

Paul Thompson

INSPECTOR