



Appeal Decision

Site visit made on 27 June 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2022

Appeal Ref: APP/C1435/W/21/3274921

The Old Bakery, Gardner Street, Herstmonceux, HAILSHAM, BN27 4LE

- 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 Owen against the decision of Wealden District Council.
 - The application Ref WD/2020/2037/F, dated 6 October 2020, was refused by notice dated 6 April 2021.
 - The development proposed is to create three two-bedroom dwellings including: erection of rear two storey extension (following demolition of existing single storey rear extension); additional storey to existing single storey side extension; and provision of three on-site parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issues

3. The main issues raised in respect of the appeal are: -
 - a) The effect of the development upon the character and appearance of the host building and the area; and
 - b) The effect of the development upon the living conditions of existing neighbouring occupiers and future occupiers of the proposed development.

Reasons

Character and appearance

4. The Framework sets out that "*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage asset a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*".
5. The site comprises a two-storey building that is set back from the street. The proposal seeks to extend and convert the building to form three dwellings. The enlargements would involve an addition above the existing flat roof ground floor extension to the east and a two-storey extension spanning over the existing yard to the south-east of the building. The west elevation of the

- building would be altered to incorporate entrances and the removal of part of the elevation to create balconies recessed below the roof.
6. The Old Bakery, due to its age (early 20th Century), character, appearance and contribution to the social and economic history of the village gives this building significance as a heritage asset within and relating to the village centre. This relates to its historical significance in relation to its context and setting, as well as to its architectural appearance and to its local interest to the area as an old bakery taking into consideration its former commercial role within the village. It makes a contribution to the context and understanding of the historic environment within Herstmonceux, which is important. As such, and contrary to the view of the appellant, the existing Old Bakery building should be considered a non-designated heritage asset within the village and its significance should be taken into account when considering the proposed development.
 7. Paragraph 39 of the Planning Policy Guidance (the PPG) sets out in relation to non-designated heritage assets that "*A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets*". For those reasons set out in the above paragraphs, I consider this to be one such building.
 8. Being set back from the existing development along the road frontage, the existing building is not a dominant building in the street scene that comprises other heritage buildings. That said, it is visible in the street scene and is still discernible as an older building within the village. At present, the old bakery building is the dominant built form on site with the single storey elements being low key subservient later additions to the host bakery building. The later additions do not detract from the early 20th Century building.
 9. Turning to the proposal, the totality of the extensions would visually dominate the original building. The front and west elevations are particularly affected, with the loss of the symmetrical openings to the front elevation and the substantial loss of brickwork and alteration to the appearance of the western elevation by the creation of recessed balconies. The enlargements and alterations would lead to the inability to be able to visually appreciate the historic former uses and evolution of site, and the removal of existing openings that make a positive contribution to the appearance of the street facing façade. The development would not be sympathetic to the building's character and appearance.
 10. The Framework sets out that heritage assets range from sites and buildings of local historic value to those of high significance and that these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The proposal would bring about unacceptable harm to the character and appearance of the building. The proposal would fail to preserve the significance of this non-designated heritage asset that makes a positive contribution to the historic environment within Herstmonceux. I give substantial weight to the harm to the significance of this non-designated heritage asset. The proposal would put the building to a viable use; however, this would be at the expense of the positive contribution the existing Old Bakery makes to the character and distinctiveness of the area.

11. The appellant's Heritage Statement that supports the planning application, concludes that the proposal would result in a 'neutral' impact, with the preservation of the building's significance resulting. Given my above findings, I do not agree with the conclusions of the Heritage Statement.
12. I acknowledge that there have been previous refused planning applications pertaining to this site, the details of which I have been provided. This proposal has sought to address previous Council concerns. The issue of the Old Bakery constituting a non-designated heritage asset may not have been raised as part of the Council's consideration of those previous proposals. However, that does not mean that subsequent considerations pursuant to a later planning application cannot or should not take this matter into consideration. Paragraph 40 of the PPG indicates that non-designated heritage assets can be identified as part of the decision-making process. It also advises that these should be identified based on sound evidence. Whilst contested by the appellant, I consider the Council's delegated officer recommendation and statement of case provides sound evidence in this case.
13. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the host building and the area. The proposal would, therefore, conflict with Special Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013, Saved Policies EN27 of the Wealden District Local Plan 1998, Policy 12 of the Herstmonceux Neighbourhood Plan 2019 and the provisions of the Framework. These policies and the Framework seek, amongst other matters, development of high quality promoting local distinctiveness and to take into account non-designated heritage assets in accordance with their significance.
14. The appellant contends that the Neighbourhood Plan making progress did not take the opportunity to identify any heritage interest at the site. Policy 12 of this Plan requires all new development to ensure that development of local heritage assets conserves, preserves, reflects and enhances the historic asset and the historic environment in accordance with their significance. For those reasons set out above, the proposal would not satisfy this policy.

Living conditions

15. The southerly extension to the building would abut the rear garden of the neighbouring residential property. The garden is set at a higher ground level to that of the appeal site. The rear garden is an outdoor living spaces in which the occupiers of the neighbouring property would spend a significant part of their time and is a space in which the occupiers should expect to enjoy a reasonable outlook from their property. The development would create a significantly larger building. Given the immediate proximity and relationship with the neighbouring garden, the development would appear visually imposing and dominant in the outlook of the adjoining occupiers. This would diminish the enjoyment of the existing occupier's private outdoor living space. Consequently, this would be harmful to the living conditions that the occupiers of the neighbouring property should reasonably expect to enjoy.
16. The main bedrooms for two of the flats would have outlook toward the flank wall of an existing neighbouring garage. Unit 2's bedroom window would be less than a metre from the garage and Unit 3's would be under 2 metres and set within a recess below the overhang of the first floor of the proposed development. The smaller bedroom to Unit 3 would also be recessed below a

first-floor overhang and would have outlook directly onto a area where a vehicle would be parked.

17. The bedrooms are indoor living spaces in which the future occupiers of the property would spend a significant part of their time and are spaces in which the occupiers should expect to enjoy a reasonable amount of outlook and light within these habitable rooms. Outlook and light to the bedrooms would be severely restricted. Future occupiers would experience the impression of being contained within their habitable living environment and with restricted light, the bedrooms would be very gloomy rooms. The standard of living accommodation would be poor and be well below what future occupiers should reasonably expect to enjoy.
18. Further to the above, Unit 3 would have an internal floor area below the minimum size set by the National Described Space Standards for a 2-bedroom (3 person) dwelling. The Council does not have its own space standards in place. In the absence of such local standards the National Described Space Standards set the appropriate thresholds to which new development should adhere. These standards set out an appropriate minimum space standard for dwellings to ensure that they are not cramped internally. The shortfall in internal floor area would result in cramped accommodation and would not achieve an acceptable standard of living accommodation for the future occupiers of this unit. The external living space associated with this unit would not offer the same type of accommodation as it would be unlikely to be used during inclement weather and during winter months. This outdoor space would not compensate for the internal floor space shortfall.
19. Prior approval is in place to convert the building into residential accommodation, the details of which I have been provided. However, from the information provided it does not appear that the internal accommodation would host outlook that would face directly onto a flank wall or be under first floor overhangs. It is contended that 1 of the units within the proposal before me would have a superior standard of accommodation compared to that of the prior approval scheme. However, the Council advises that the prior approval scheme would meet the minimum internal space standards. The proposed scheme would provide each unit with external living space and parking provision and represent a more efficient use of the site. However, these matters do not make the proposal before me more acceptable, nor do they outweigh or justify the harm that I have identified above. I therefore attached little weight to the existence of that prior approval.
20. For those reasons set out further above, I conclude that the proposed development would be harmful to the living conditions of existing neighbouring occupiers and future occupiers of the proposed development. The proposal would, therefore, conflict with Special Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013, Saved Policies EN27 of the Wealden District Local Plan 1998 and Policy 12 of the Herstmonceux Neighbourhood Plan 2019. These policies seek, amongst other matters, development to provide attractive and satisfactory living environments and to ensure no unacceptable adverse impact to the amenities of occupiers of existing nearby properties and future occupiers. The Framework also requires developments to be of a high standard of amenity for existing and future users.

Other Matters

21. The Council acknowledges there to be an existing window that faces the neighbouring gardens and that a new window in the southern elevation would reduce privacy but could potentially be obscure glazed to address increased overlooking. This matter has not formed part of the Council's second refusal reason. Therefore, I have not addressed this matter given that the Council consider that obscure glazing could overcome potential concerns in regard of privacy.

Planning Balance

22. The Council does not have a 5-year housing land supply in place. In April 2020 a 3.28-year supply of housing was in place. As this falls below the 5-year requirement, the provisions of paragraph 11d) of the Framework should be applied.
23. Given the proposal would be harmful to the character and appearance of the host property and the living conditions of existing and future occupiers, this brings the proposal into conflict with the development plan when read as a whole. However, on the other hand the Government's objective is to significantly boost the supply of homes and recognises that previously developed land and cumulative impact of developing small sites can help meet supply.
24. The proposal would provide family housing and make efficient use of this brownfield site at a location accessible to alternative travel options to that of the private car. There would be short-term economic benefits during construction, and occupiers would contribute to local spend. However, three dwellings would make little difference to the overall supply of housing and the support three extra households would provide to the social and local economy would also be minimal. Even with the shortfall in housing land supply being significant, the harm that I have identified is not outweighed by the contribution to housing land supply or those limited social and economic benefits associated with the proposal.
25. Consequently, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

26. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

Nicola Davies

INSPECTOR