



Appeal Decisions

Site visit made on 5 September 2022

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 16 September 2022

Appeal A Ref: APP/Z3825/W/22/3291955

95 High Street, Steyning BN44 3RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Dennison against the decision of Horsham District Council.
 - The application Ref DC/21/1614, dated 12 July 2021, was refused by notice dated 15 November 2021.
 - The development proposed is the erection of an entrance porch at the rear of the property.
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Appeal B Ref: APP/Z3825/Y/22/3291957

95 High Street, Steyning BN44 3RE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended against a refusal to grant listed building consent.
 - The appeal is made by Mr Paul Dennison against the decision of Horsham District Council.
 - The application Ref DC/21/1615, dated 12 July 2021, was refused by notice dated 15 November 2021.
 - The works proposed are the erection of an entrance porch at the rear of the property.
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Decision

1. Appeals A and B are dismissed.

Preliminary matters

2. Including in the appellant's Heritage Statement,¹ No 95 is referred to as Tudor Cottage. No 95 is Grade II listed (list entry 1027252, the 'listed building'), and falls within the Steyning Conservation Area ('SCA'). I have therefore approached the appeals in the context of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the '1990 Act').
3. Although each proposal must be determined on its merits, where planning permission is sought in accordance with the development plan unless material considerations indicate otherwise, there is some noteworthy planning history here. Via decision dated 29 April 2021 the Council granted listed building consent ('LBC') for various internal and external works.² The rear porch now proposed is not shown on the associated plans; it appears the original scheme was amended. The porch is therefore effectively the 'residual' element of that original scheme to be addressed. The plans before me in respect of internal

¹ Portico Heritage, July 2021.

² Ref DC/21/0516.

alterations differ only insofar as the porch is concerned.³ Alterations are also proposed to fenestration, to which I will turn to subsequently.

4. Previously, via decision dated 10 May 2006, the Council granted LBC for other works.⁴ As I understand it, amongst other things, that related to the dormer window now within the rear-facing roof. Aptly, the appellant refers to the property having 'been subject to alterations at various times by previous owners'. Historic interest may not lie solely in the original nature of a building, and alterations may authentically reflect an overlay of changing circumstances in physical form. Nevertheless, in this instance more recent alterations result in some complexity in understanding its origins and evolution.

Policy context

5. In this instance the development plan includes policies of the Horsham District Planning Framework (adopted 27 November 2015, the 'HDPF') and of the Steyning Neighbourhood Plan (made 7 September 2022, the 'NP'). In summary, amongst other things, and aligned with the relevant provisions of the 1990 Act referenced above, HDPF policy 34 seeks to suitably preserve the significance of heritage assets (including, at criterion 5, locally distinctive vernacular building forms and their settings, features, fabric and materials). The NP sets out in its vision that heritage should be treasured. In a similar vein to HDPF policy 34, via policy SNDP3 it also sets out how development should contribute positively towards Steyning's character. Likewise paragraphs 189 and 199 of the National Planning Policy Framework ('NPPF') guide as to how great weight should be given to the conservation of designated heritage assets, an irreplaceable resource, relative to their significance.

Main Issue

6. Against the context above, the main issue is whether or not the proposal would preserve or enhance the Listed Building, any features of special architectural interest which it possesses, and the character or appearance of the SCA.

Reasons

Special interest and significance

7. Successive alterations to Tudor cottage include the creation of a brick chimney stack, landscaping to the front and rear, alterations to windows and to the subtle rear catslide roof. Nonetheless the façade of No 95, its materials, the property's simple, modest form, and also its sense of intimacy reflect a clear historic integrity. The list entry describes No 95 as a sixteenth century, or earlier, timber-framed building with plaster infill. The construction of No 95 was evidently constrained by the structural limitations of timber. Internal head heights are low, rooms are small. Façade timbers have curious notches in them, perhaps for aesthetics, perhaps alluding to re-use from elsewhere.
8. Loosely Tudor Cottage appears as a later, understated, Wealden house (a typology typically associated with the growth of greater societal affluence). That would align with the development of Steyning as a buoyant trading town

³ Noting that Plan No PL21 Rev. A relates to consent Ref DC/21/0516, the unrevised version thereof to the appeal before me.

⁴ Ref DC/05/3061.

set on a tidal inlet of the River Adur, before the town's economic importance ceded to larger settlements through the seventeenth century. It is unclear whether the property's elevation from the High Street above a flint and brick lower level was for some form of function, for example accommodating a formerly broader estuary. That arrangement may, however, have simply been a practical response to the landform. The topography rises from the High Street, through the plot of No 95 towards Charlton Street behind, and thereafter the rural fringes of the town. By consequence, and also potentially as a result of changes to brick paving and service runs behind the property, the only rear door to No 95 has a very low head height (around 1.6 metres).

9. Internally I agree with the summary at paragraph 23 of the Heritage Statement that 'the house retains the key elements of its plan form and main structure.' However much has changed. The rear door, its frame, pointing to the flint and brick wall by it, along with internal plasterboard and flooring here are all recent interventions. Guttering is uPVC and there is modern sarking underneath plain russet roof tiles. Historic rafters, described in the appellant's Design and Access Statement ('DAS') as 'rudimentary' have been bolstered by timber shims to level the roof. The simplicity of the rear roof has been altered via the installation of a dormer window, rooflight, boiler flue and ventilation tiles to the roof void above the kitchen. As seen exposed in the kitchen, one rafter is partially modern. I saw it joins historic timber within the roof void.
10. Therefore, insofar as it relates to these appeals, the special interest of the listed building lies primarily in the authenticity of its historic materials and design, its modest form, intimacy, and the importance of those characteristics in reflecting the history of the SCA in physical form.

The proposal

11. The proposed porch would incorporate a panelled door, green oak posts and a relatively steeply-pitched pediment finished in what are described on plan No PL26 as tiles 'to match extension'. As shown on plan No PL21, the porch would project slightly beyond the existing rear elevation. Intended to respect the existing external ground level, to achieve greater head height the porch would puncture and extend above the plane of the existing roof and internal ceiling.
12. There is some discussion in the evidence before me as to whether the proposal would affect a timber wall plate, as referenced in the Council's decision notice (an element of timber framing topping walls to which rafters are connected). I am told by the appellant that either this element 'is not visible', or that 'there is no wall plate timber'.⁵ The onus falls principally on an applicant to substantiate their position.⁶ As no intrusive investigations are before me, the alternative position arrived at in the DAS is likely most accurate, i.e. that it is speculation 'what happens to the rafters above the false ceiling.'
13. Irrespective of whether or not there is an historic wall plate, lintel or other structural element here, and notwithstanding that this area of No 95 has been much altered previously, the scheme would entail the removal of some historic fabric. That appears to be accepted in paragraph 26 of the Heritage Statement, which also sets out the intention to retain 'all existing historic timbers'

⁵ Respectively appeal statement paragraph 5.14, Heritage Statement paragraph 26.

⁶ Section 10(2) of the 1990 Act, section 62(3) of the Town and Country Planning Act 1990 as amended.

(replacing the modern exposed rafter with an historic timber necessitating relocation to form the opening). Some tying-in, making good and cosmetic internal finishes would also inevitably be required.

The effect of the proposal

14. The proposal would, I accept, represent a relatively minor change to No 95 as a whole. There would only be glimpsed views of elements of the porch from the footpath rising from the High Street beside No 97. Given changing ground levels and the long, narrow plot of No 95, the scheme would be of limited prominence. I also acknowledge that the rear roof slope and elevation of Tudor Cottage has been altered before. Greater variance to the rear of properties, including reflecting where burgage plots have been put to various functions over time, is not uncommon in the SCA (or elsewhere). The materials proposed take their cues from those already present. The re-use of historic timbers, which could be secured via condition were the proposal otherwise acceptable, would moderate the implications of the loss of historic fabric; the repurposing of timbers may have occurred in the historic construction of the property itself.
15. Nevertheless the proposal would result in the loss of some, albeit limited, historic fabric. Reflecting on my reasoning in paragraph 12 above, there is little precision before me in that respect (such as results from intrusive investigations or a detailed schedule of works). In my view the cumulative alterations to Tudor Cottage over time place increased importance on maintaining that historic integrity which remains, including that derived from the embodied fabric of the building. Although I have set out above how alterations may in themselves attest to changing preferences over time, in certain instances previous alterations here have diluted integrity.
16. Moreover visually the proposed porch would sit awkwardly with the rear elevation and roof slope. It would project beyond a consistent rear elevation, eaves, and disrupt the remaining harmony of the roof slope and the overall simple form of the property. It would be more steeply pitched than the existing dormer window, appearing haphazard and contrasting. The porch would also be topped with an intricate pediment which would be inconsistent with the simpler vernacular of the property. Projecting above the eaves and on account of its design, the porch would also diverge from the original humble or intimate character of the property (which is integral to its significance). In conjunction with previous alterations, the proposal would undermine historic coherence.

Consideration

17. At some point the organic evolution of buildings, as referred to in the appellant's Heritage Statement, may be taken too far. That would occur here. The proposal would thereby fail to preserve the special interest and significance of the listed building. As No 95 contributes to the SCA physically, visually and in terms of aiding an understanding of the past in the present, the proposal would also therefore fail to preserve its character and appearance. Accordingly the proposal would conflict with the expectations of statute and the relevant provisions of HDPF policy 34.
18. In both respects, however, there are moderating factors as set out in paragraph 14 of this decision, noting in particular that the proposal would have a localised visual effect. The harm that would result may therefore fairly be

characterised as 'less than substantial' with reference to paragraph 199 of the National Planning Policy Framework ('NPPF'). NPPF paragraph 202 further guides that where less than substantial harm would result, that should be weighed against the public benefits, a balance to which I now turn.

Other matters

19. At around 1.6 metres high, not least as people are typically taller than in the sixteenth century, seeking to increase the head height and utility of the rear doorway is understandable. With reference to NPPF paragraph 202, that may be considered a public benefit in terms of improving living conditions (thereby helping secure the optimum viable use of the listed building). I acknowledge the commitment of the appellant to improvements,⁷ and also the intention to alter existing fenestration to be more in line with an historic aesthetic.⁸
20. However NPPF paragraph 200 is clear that any harm to the significance of a designated heritage asset, including that which is less than substantial, should require 'clear and convincing justification'. Although I accept reducing the rear ground level may be unfeasible, nonetheless it is also in part the particular design of the proposal that would be discordant. In that context also, individuals often accept quirks or constraints of historic buildings as the corollary of living in a property with a rich history and character. The benefits of the scheme are therefore, in large part, related to personal preference rather than intrinsically required.
21. Similarly, improvements to fenestration are not inherently reliant on the particular proposal before me, noting that the appellant's appeal statement indicates they have already been consented (and there is nothing to suggest that former scheme would not be effected irrespective of the outcome of these appeals).⁹ Consequently the public benefits of the scheme do not provide clear and convincing justification to outweigh the harm, and no other material considerations justify allowing the appeals.

Conclusion

22. For the above reasons, having taken account of the development plan as a whole along with all other relevant material considerations, I conclude that the appeals should be dismissed.

Thomas Bristow

INSPECTOR

⁷ Heritage Statement, paragraph 28.

⁸ Various referred to as the rear dormer window in the Heritage Statement or basement and dormer window in the DAS.

⁹ Via LBC Ref DC/21/0516.