



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: 23rd September 2022

Appeal A Ref: APP/Y9507/W/22/3290369

Old Well Cottage, Lower Street, Fittleworth RH20 1EJ

- 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 Christine Parker against the decision of the South Downs National Park Authority.
 - The application Ref SDNP/21/03067/HOUS, dated 7 June 2021, was refused by notice dated 10 November 2021.
 - The development proposed is a first floor extension and internal alterations.
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Appeal B Ref: APP/Y9507/Y/22/3290371

Old Well Cottage, Lower Street, Fittleworth RH20 1EJ

- 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 Christine Parker against the decision of the South Downs National Park Authority.
 - The application Ref SDNP/21/03068/LIS, dated 7 June 2021, was refused by notice dated 10 November 2021.
 - The works proposed are a first floor extension and internal alterations.
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Decisions

1. Appeals A and B are dismissed.

Preliminary matters

2. The proposal relates to grade II listed 'Clematis Cottage, Old Well Cottage and Wayside Cottage',¹ within the Fittleworth Conservation Area ('FCA'). The FCA is drawn a short distance either side of Lower Street, part of the B2138, stretching to Fittleworth Bridge over the Rother to the south, and to Bedham Lane northwards. 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. Each proposal must be determined on its merits, where planning permission is sought in accordance with the development plan unless material considerations indicate otherwise. As detailed subsequently, the listed building has been successively altered over time. There is also some noteworthy planning history to Old Well Cottage, particularly that the proposal follows an unsuccessful scheme in 1996 for a more substantial rear addition.²

¹ List entry No 1026491.

² Ref FT/96/01941/DOM and FT/96/01942/LBC.

4. The development plan here includes the South Downs Local Plan (adopted July 2019), which takes a landscape led approach to managing change; conserving and enhancing natural beauty, wildlife and cultural heritage being a statutory purpose of National Parks.³ It also includes policies of the Fittleworth Neighbourhood Plan (made December 2019). I have also had regard to various other relevant material considerations including the National Planning Policy Framework ('NPPF').

Main issues

5. The main issues are (i) 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 FCA and, (ii) the effect of the proposal on the living conditions of the occupants of neighbouring Clematis Cottage, with particular regard to outlook.

Reasons

Special interest and significance

6. Old Well Cottage, the northernmost of the three dwellings now comprising the listed building, faces Lower Street. A small garden, low stone wall and, unsurprisingly, a well, fall between the two. Vehicular access to the rear, shared with Clematis Cottage and other properties beyond a brook, cuts between Old Well Cottage and The Red House. The list entry describes how the present form of the listed building dates largely to the early nineteenth century. Judging by the patchwork of materials embodied within the building and the historic evolution of the area, however, its origins likely trace far further back. That is an observation made also in the appellant's Design, Access and Heritage Impact Assessment ('HIA').⁴
7. Beneath a consistent russet plain-tiled roof, the Lower Street facades of the dwellings are of local polychromatic rubblestone with simple casement windows. The listed building was constructed and altered in successive stages. The façade of Clematis Cottage is most varied; a patchwork of different stone with some galletting. There is a broad continuity of materials with Old Well Cottage, albeit that there have evidently been some later interventions (notably to pointing and around windows). As reflected in a tighter-grain stone facing and accentuated red brick window surrounds and quoins, Wayside Cottage to the south appears as a latter, albeit still historic, addition.
8. Of similar aesthetic and therefore likely similar age to Wayside Cottage, the listed building has been added to by way of two-storey rear gabled outriggers, also principally of stone. I understand they were created at some point between 1892 and 1912. Brick chimney stacks have also been installed. In the case of Old Well Cottage that appears to have entailed the removal of an older chimney breast; there is the indication of a gallows bracket in the ground floor ceiling. There is a single storey rear extension to Old Well Cottage dating from around 1978, and Wayside Cottage has been extended more recently.⁵

³ Pursuant to the National Parks and Access to the Countryside Act 1949 as amended (the '1949 Act') and with reference to the English National Parks and Broads: UK Government Vision and Circular 2010.

⁴ November 2020, Robert Nugent Architects.

⁵ Related to permissions and LBC Ref 78/00009/FT in respect of Old Well Cottage and 02/00053/DOM and 02/00052/LBC in respect of Wayside Cottage.

Consequently, although significance may not lie solely in the original nature of a building, the HIA aptly refers to the 'evolution of the terrace' over time.

9. Nevertheless the listed building retains an understated and intimate character. It was originally created from materials readily at hand, and for function rather than aesthetics. The history to the listed building is also attested to in the relatively modest scale of the dwellings (both in absolute terms and compared to many others nearby). At Old Well Cottage rooms are small and head heights low, including in the gabled outrigger. Those characteristics again honestly reflect, or cast forward, the limitations of historic construction.
10. In turn, those characteristics represent in physical form the evolution of the area. Many of the buildings within the FCA date from the Great Rebuilding era or later, reflecting increasing prosperity and changing architectural preferences. There is some variety in the age and aesthetic of properties. Nevertheless historically Fittleworth grew up as a sporadic settlement northwards of the Rother. It was founded upon natural resources workable by manpower, that of the river but also of agricultural land, woodland and quarrying. That small-scale historic ecosystem is reflected in the form and name of various historic buildings.⁶
11. Therefore, insofar as it relates to these appeals, the special interest of the listed building lies primarily in the authenticity of its materials, understated design and modest scale, along with the importance of those characteristics in reflecting the history of the FCA in the present.

The proposal

12. The proposal is to create an additional 10.7sqm room at first floor level.⁷ The extension would project beyond the existing gable wall, extending above the 1978 element of the property. It would appear visually as an extension to the form of the rear gable. Plain clay hanging and roof tiles are proposed, as are casement windows that would face towards the brook (details, as with other aspects of the proposal, that could be secured via appropriately-worded conditions were it acceptable as a whole). Internally access to the new room would be achieved by the removal of part of the rear gable wall. The proposal would also entail some rationalisation of first floor space. A shower room would be created using partitions capable of being removed at some future point if required. Some tying-in, making good and cosmetic internal finishes would also inevitably be required.

Effect of the proposal

13. In itself the scheme is relatively small compared to the overall floorspace of Old Well Cottage. It also takes its design cues from the form and materials of the listed building. The scheme would principally affect latter additions to the property, and there would likely only be glimpsed, partial, views achievable from Lower Street. As set out above, the listed building has also been successively altered over time.

⁶ Including the Grange, Fittleworth Mill, Fulling Mill Cottage and Ironstone Cottage (all of which are listed).

⁷ HIA, 4.3.

14. However the proposal would result in some, albeit limited, loss of existing fabric. The extension would also project significantly, by some 3.3m, beyond the existing rear gable. At present that element of the property is consistent with the gables at Clematis Cottage and Wayside Cottage. I have reasoned above that the gable sits relatively comfortably relative to the modest scale nature of Old Well Cottage.
15. By consequence the outrigger would become significantly deeper than, rather than broadly equivalent to, the early nineteenth century element of the listed building. The scale of the proposed extension would appear discordant in that context. Whilst I accept alterations to the listed building have resulted in it diverging from its original form, and also a degree of complexity in understanding its evolution, in my view that accords some importance to maintaining that historic integrity which remains. In that context I note that Old Well Cottage has been extended previously by way of a single storey rear projection. In conjunction with the proposed extension the modest, intimate nature of the property, which is integral to significance, would be diluted.

Consideration

16. For the above reasons the proposal would fail to preserve the special interest and significance of the listed building. As the listed building contributes to the FCA physically and visually in terms of aiding an understanding of the past in the present, the proposal would also therefore fail to preserve its character and appearance (noting that character is not limited to that which is visible).⁸
17. Accordingly the proposal would conflict with the clear expectations of statute and the relevant provisions of Local Plan policy SD12. In both respects, however, there are moderating factors. Those are set out in paragraph 13 of this decision, noting in particular that the proposal would, from public vantage points, be unobtrusive. 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 guides that where less than substantial harm would result, that should be weighed against the public benefits, a balance to which I subsequently turn.

Living conditions

18. The principal thrust of the arguments made at appeal relate to heritage. Nevertheless the main parties have addressed potential implications for the living conditions of the occupants of Clematis Cottage, The Red House being sufficiently separated such that undue effects would not arise in that respect. For comprehensiveness, there is no evidence indicating that Clematis Cottage is used principally as a holiday let, or of permission for such a use.
19. In line with my reasoning in paragraph 9, and also on account of established boundary features, outbuildings, domestic planting and some mature trees around the brook and beyond, prevailing levels of outlook at Clematis Cottage are qualified. Falling northwards of Clematis Cottage, the extension would neither have a meaningful effect in terms of additional shading, nor in respect of the availability of natural light. I acknowledge that certain windows close to

⁸ Reasoning consistent with the Inspector who determined appeal Ref APP/Y9507/D/16/3144097 referenced by the Authority.

Old Well Cottage serve functional internal space, and that the plot of Clematis Cottage extends and enlarges to the south-east.

20. However, as shown on drawing No 20763/210, the proposal would be set hard up against the common boundary with Clematis Cottage. It would extend beyond the rear plot boundary thereof, in a location where there are presently partially open views above the 1978 extension. I have set out previously that rear gables, at first floor level, are consistent. Relative to that the scheme would result in a substantial addition, atypical of prevailing conditions. To some extent intertwined with my reasoning in respect of the first main issue, the scale and bulk of the scheme would be discordant.
21. In that context, from around the rear entrance to Clematis Cottage, the patio by it, and by virtue of partial views through certain windows, the proposal would result in an undue sense of being hemmed in. Whilst outlook here is qualified, the bulk and proximity of the proposal would nonetheless represent an unduly overbearing form. Notwithstanding that the present scheme is smaller than that advanced in 1996, it would nevertheless materially diminish the outlook from which the occupants of Clematis Cottage presently benefit.
22. In a similar vein to my reasoning in respect of the first main issue, albeit that there are certain mitigating factors, the proposal would nevertheless adversely affect the living conditions of neighbouring occupants. That would be in conflict with criterion c) of Local Plan policy SD31 and criterion f) of NPPF paragraph 130. The former sets out how dwellings should not be 'overbearing or of a form which would be detrimental to the amenity of nearby residents', and the latter guides that decisions should ensure that a high standard of amenity is maintained.

Other matters

Layout and alterations

23. Given the current constraints and arrangement of Old Well Cottage, I understand the appellant's motivation for seeking to increase, and to rationalise, internal space. The layout proposed would better reflect the needs of older individuals than at present. I note the appellant's arguments of the increasing importance of such given an ageing demographic. With reference to NPPF paragraph 202 the proposed alterations may be considered a modest public benefit in terms of helping secure the optimum viable use of part of the listed building. I also acknowledge the appellant's commitment to ecological enhancements, and that various other buildings nearby have been extended and altered over time, including The Red House.

Floorspace change

24. Local Plan policy SD27 seeks to ensure that housing in the National Park balances with needs.⁹ It draws from demographic and market trends. Those are summarised in supporting paragraph 7.35, which refers to the particular need to focus on 'delivering smaller family housing'. Albeit, on a plain reading, geared towards residential development more so than alterations to existing

⁹ Noting the duty to foster the economic and social well-being of local communities within the National Park also contained within the 1949 Act.

properties, in respect of market housing 80% thereof should be either 2 or 3 bedroom properties (in equal proportion).

25. That approach interacts with Local Plan policy SD31, which relates to extensions to existing dwellings.¹⁰ Albeit with other angles, in summary criterion 1. a) of policy SD31 sets out that a proposal should not increase the floorspace of the 'existing dwelling by more than approximately 30% unless there are exceptional circumstances'. Local Plan paragraph 7.92 clarifies that the term 'existing dwelling' for the purposes of policy SD31 refers to the 'residential unit that existed on 18 December 2002...' (the derivation of that date is not immediately apparent).
26. Similarly, Neighbourhood Plan Objective 4 is 'to improve opportunities for young families with limited financial resources and in housing need to live in the village...'. In that context Neighbourhood Plan policy FITT6, also in summary, seeks to limit increases in floorspace by virtue of extensions to no more than 'approximately 30%'. There is a complex interplay between floorspace, market value and affordability (whether within the terms of NPPF Annex 2 or otherwise).
27. The appellant's planning statement indicates that the proposal would represent an increase in floorspace of around 12.6%. Based on the supporting plans the property would remain as two bedrooms.¹¹ On the one hand the proposal would rationalise the layout of the property, enabling the creation of an upstairs study and shower room. That may be more conducive to family living. On the other, however, the proposal would likely increase the value of the property, noting the importance of affordability in the National Park. Consequently, that the proposal would not conflict with the foregoing provisions of Local Plan policy SD31 or of Neighbourhood Plan policy FITT6 is neutral in my assessment.

Summary

28. 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'. In that context individuals often accept quirks or constraints of historic buildings as a corollary of living in a property with a rich history and character. There is nothing before me to suggest that Old Well Cottage would be inherently unviable or inadequate as a dwelling without the scheme. The benefits of the scheme are therefore, in large part, related to personal preference rather than intrinsically required. They would also adversely affect neighbouring living conditions. At some point the organic evolution of historic buildings may be taken too far, and in my view that would be the case in this instance.
29. Furthermore, rationalising internal arrangements and ecological enhancements are not intrinsically reliant on the proposal before me. In the case of the latter there is nothing to suggest the existing condition of the listed building or its land is detrimental. Whilst other properties may have been adapted over time the circumstances there inevitably differ to those here and to this specific proposal (for example The Red House is not listed). Consequently the public

¹⁰ As set out in Local Plan paragraphs 7.35 and 7.91.

¹¹ Notwithstanding that rooms may be put to any residential use without constituting development or works affecting the character of a listed building.

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

30. 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