



Appeal Decisions

Site visit made on 25 October 2022

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2022

Appeal A: APP/U1430/W/22/3295410

White House, High Street, Burwash, Etchingham TN19 7ET

- 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 Dr John O'Connor against the decision of Rother District Council.
 - The application Ref RR/2021/2449/P, dated 5 October 2021, was refused by notice dated 24 January 2022.
 - The development proposed is described as *replacement of existing shed and open bay garage with integrated workshop and open bay garage*.
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Appeal B: APP/U1430/Y/22/3297329

White House, High Street, Burwash, Etchingham TN19 7ET

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Dr John O'Connor against the decision of Rother District Council.
 - The application Ref RR/2021/2450/L, dated 5 October 2021, was refused by notice dated 26 January 2022.
 - The works proposed are described as *replacement of existing shed and open bay garage with integrated workshop and open bay garage*.
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Decision – Appeal A

1. The appeal is allowed and planning permission is granted for replacement of existing shed and open bay garage with integrated workshop and open bay garage at White House, High Street, Etchingham TN19 7ET in accordance with the terms of the application, Ref RR/2021/2449/P, dated 5 October 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan submitted 9 November 2021;
Block Plan submitted 4 November 2021;
Drawing A01 - Proposed Elevations submitted 13 December 2021; and
Drawing A02 - Proposed Floor Plan submitted 13 December 2021.
 - 3) No development above ground shall commence until details/samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.

- 4) No development above ground shall commence until 1:10 scale drawings illustrating proposed eaves and ridge detailing, indicating the provision of eaves and ridge level ventilation, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Decision – Appeal B

2. I shall take no further action in respect of Appeal B.

Preliminary matters

3. Appeal A was made against the failure of the Council to determine the application within the prescribed period. Whilst the decision notice was issued more than eight weeks after the application was submitted, at that time the appellant had written to the Council seeking to discuss potential amendments. In my view that amounted to an agreement to extend the period for determination. I have therefore treated the appeal as being against the Council's refusal of planning permission, as set out in the heading to this decision.
4. Appeal B is an appeal against the refusal of listed building consent. I sought clarification from the Council and the appellant because the application documents did not appear to describe any works that might require listed building consent. In response, the Council and the appellant have now both confirmed that they do not consider that the shed and open bay garage which would be demolished are listed buildings.
5. White House was listed in 1961. Although the listing does not mention the shed and open bay garage, that is not determinative (for reasons discussed further below). However, in order to be included within the listing of White House, the shed and open bay garage must have formed part of the land since before 1 July 1948. The appellant has provided map evidence that they did not exist in 1961, so they cannot have existed in 1948 and cannot qualify as being listed by virtue of being within the curtilage of White House.
6. The garage and workshop are not listed in their own right. Moreover, I agree with the Council and the appellant that they do not qualify as being listed by virtue of being within the curtilage of White House. It follows that none of the works proposed in Appeal A would be works to a listed building, so listed building consent is not required. Accordingly, I shall take no further action in respect of Appeal B.

Main issues

7. The main issues for Appeal A are:
 - the effect of the proposal on the landscape of the High Weald Area of Outstanding Natural Beauty; and
 - the effect of the proposal on the historic environment, including effects on the setting of listed buildings and on the Burwash Conservation Area.

Reasons

Effect on the High Weald Area of Outstanding Natural Beauty

8. The historic settlement of Burwash is concentrated on the High Street, which runs approximately east/west along a ridge. To the north of the High Street the land falls away quite steeply towards a rolling landscape of ridges and valleys interspersed with woodlands and tree belts. This combination of rolling landscape and historic settlement on higher ground is characteristic of the High Weald Area of Outstanding Natural Beauty (AONB).
9. The north side of High Street is tightly enclosed with a more or less continuously built up frontage. White House is part of this frontage. The property includes a former orchard which extends westwards behind several other High Street properties. The proposed building would be located to the rear of one such property, accessed from a shared driveway leading from the High Street. The proposed building would not be visible from the High Street due to the intervening buildings.
10. There are views of the back of the High Street properties from Ham Lane, to the north of the appeal site. In these views the properties fronting the High Street are seen on the skyline. There is an assortment of smaller buildings to the rear of the High Street frontage, the most prominent of which is a somewhat stark grey cuboid structure located 10m or so to the south west of the location of the proposed building. With the exception of this structure, the minor buildings make little impact on views from the north because they are smaller, sited on lower ground and partially screened by trees and vegetation. Moreover, they are seen against the backdrop of the buildings fronting the High Street.
11. The proposed building would be clad in oak weatherboarding, with a pitched roof of clay peg tiles. These materials are widely used in Burwash and in the AONB more generally. The colour and tone of the boarding and tiles would be sympathetic to the site context and would not cause the proposed building to stand out unduly.
12. The floor level of the proposed building would be significantly lower than that of the grey building described above. Due to this change in levels, together with the muted tones of the proposed building, the proposed building would be much less prominent than its neighbour in views from the north. The proposed building would be adjacent to a structure within the grounds of White House which is known as the apple store. For reasons discussed below, I do not consider that the relationship between these two buildings would be harmful.
13. There are private views from the backs of High Street properties over the countryside to the north. Having regard to the changes in level, I do not think that the quality or character of such views would be materially affected by the appeal scheme.
14. My overall assessment is that the proposal would not be prominent in views from the north. To the extent that it could be seen at all, it would be seen against the backdrop of buildings on higher ground and would not alter the general character of the view. There would be no harm to the landscape of the AONB. The proposal would accord with Policy EN1 of the Council's Core Strategy (CS), and with Policy DEN2 of the Development and Site Allocations

Local Plan (DSALP), which seek to protect the distinctive landscape character and settlement pattern of the AONB. It would accord with CS Policy EN3, which promotes high quality design, and Policies RA3 and OSS4 which seek to protect the character and appearance of the countryside. It would also accord with Policy GP02 of the Burwash Neighbourhood Development Plan, which seeks to complement and enhance the distinctiveness of local vernacular buildings.

Effect on the historic environment

15. The Council's second reason for refusal refers to effects on listed buildings. However, the only listed building identified in the Council's evidence is the Grade II listed White House, which the listing description notes has an 18th century front to a probably older building. The White House is a building of historic and architectural interest. Its setting adds to its significance in that it forms part of a coherent historic frontage to the High Street.
16. The Council does not allege that there would be any harm to the setting or the significance of White House itself. I agree. Due to the layout of the grounds to White House, changes in level and intervening garden boundaries there would be limited inter-visibility between the proposal and the listed building. The Council considers that two buildings within the grounds of White House, namely the apple store referred to above and a single storey building used as a home office, are listed by virtue of their age and location within the curtilage of White House. Such buildings are sometimes referred to as "*curtilage listed*".
17. The appellant questions whether either building is curtilage listed, on the basis that they are not referred to in the listing description and because they have been altered over the years. However, listing descriptions are merely descriptions of the building in question. They cannot be relied on as a statement or summary of what is significant about a listed building.
18. There is no dispute that the extensive grounds of White House have been part of the property since before the date of listing (1961). The map evidence provided by the Council shows buildings in the location of the apple store and office in the 19th century. Notwithstanding that there may have been alterations to these buildings, the balance of the evidence before me indicates that they are curtilage listed. I shall treat them as such for the purposes of this appeal. That said, the office is in a secluded location, on the opposite side of the apple store to the proposed building. I do not think that there would be any material impact on the office.
19. The apple store is a two storey building with an attached open-sided shed. It has an agricultural character and I consider that it contributes to the significance of White House through the evidence it provides of the former orchard that was associated with the house. It also has some architectural interest in terms of its appearance and proportions which may reflect its former function.
20. It is common ground that the shed and open bay garage that would be demolished are of no significance in heritage terms. The proposed building would occupy more or less the same footprint. Together with the apple store, it would create a small courtyard, the southern side of which would be defined by the retaining wall to a higher level parking area belonging to a neighbouring property. The eaves of the proposed building would be below the eaves of the apple store. Whilst the ridge would be at about the same height as that of the

apple store, it is important to note that the roof would be hipped, so that the length of ridge at the maximum height would be only around 4m. The proposed building would adjoin the single storey shed attached to the west side of the apple store, creating an attractive variation in roof heights.

21. The Council suggests that the proposed materials are not reflective of the local vernacular. However, as noted above, both clay peg tiles and weatherboarding are used widely in the locality. Weatherboarding may be painted, treated in some way or left untreated, as proposed here. The apple store is mainly brick, under a clay tile roof. It has only a small amount of weatherboarding which appears to be a modern addition. Even so, I see no reason why the proposed building should replicate the brickwork of the apple store. The juxtaposition of brick, clay tile and weatherboarding is a defining feature of both the conservation area and the wider AONB.
22. The appellant's preference for copper guttering would support the objective of creating a building that would be made to last, which is one of the characteristics of well-designed places set out in the National Design Guide.
23. In my view the proposed building would sit comfortably in its context. It would do no harm to the setting of the apple store, nor would it harm the contribution that the apple store makes to the significance of White House.
24. With regard to effects on the conservation area, as noted above the proposal would not be seen in views from the High Street. The comments made above in relation to the AONB apply equally to views of the conservation area from the countryside to the north. Insofar as the proposed building would be seen in views from within the grounds of White House, or from neighbouring properties, it would not be harmful for the reasons discussed above.
25. I conclude that there would be no harm to the historic environment. The settings and significance of listed buildings would be preserved. There would be no harm to the character and appearance of the Burwash Conservation Area. The proposal would accord with CS Policy EN2 which seeks to preserve the settings of locally distinctive building forms. It would also accord with CS Policy RA1 and DSALP Policy DHG9 which together seek to respect the character and qualities of historic buildings.

Other matters

26. The Council suggests that the proposal would be harmful to the living conditions of neighbouring residents due to an effect on outlook. Whilst the building would be relatively close to the rear garden boundary of an adjoining property, it would be sited at a lower level than the garden. Moreover, the garden is relatively long and the proposed building would have a hipped roof sloping up away from the boundary. There would be no harm to the living conditions of the occupiers.
27. The Council also argues that there is no need for the proposed building because the appellant could make use of space in the apple store instead. However, as the proposed building would not be harmful, the question of need does not arise.

Conditions

28. The Council has suggested conditions which I have considered in the light of Planning Practice Guidance. A condition requiring development to be in accordance with the plans is needed in the interests of clarity and certainty. Although a general indication of materials has been provided in the application documents, it is necessary to require submission of details and/or samples in the interests of the character and appearance of the conservation area. However, it is not appropriate to stipulate that the materials should match other outbuildings, as the Council suggests, because the proposed use of weatherboarding (to which there is no objection) would not match the brickwork of the apple store.
29. A condition requiring approval of eaves and ridge details is necessary in the interests of the character and appearance of the conservation area. However, I do not consider that it is necessary to require submission of joinery details for doors and windows, having regard to the simple, functional design of the building.

Conclusion - Appeal A

30. The proposal would accord with the development plan. There are no considerations that indicate a decision other than in accordance with the plan. The appeal should therefore be allowed.

Conclusion – Appeal B

31. For the reasons given above, I shall take no further action in respect of Appeal B.

David Prentis

Inspector