



Appeal Decisions

Site visit made on 3 November 2022

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal A Ref: APP/X2220/W/21/3281692

Japonica Cottage, The Street, Preston CT3 1DU

- 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 & Mrs Hodgetts against the decision of Dover District Council.
 - The application Ref 21/00674, dated 27 April 2021, was refused by notice dated 9 July 2021.
 - The development proposed is internal alterations to reconfigure the ground floor layout, creation of an additional dormer at first floor to enable the en-suite to be re-arranged, a rear structural glass extension, infill a rooflight, split three light window into two windows by brickwork infill between the two and lower eil height and new external brick wall.
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Appeal B Ref: APP/X2220/Y/21/3281694

Japonica Cottage, The Street, Preston CT3 1DU

- 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 Mr & Mrs Hodgetts against the decision of Dover District Council.
 - The application Ref 21/00675, dated 27 April 2021, was refused by notice dated 9 July 2021.
 - The works proposed are internal alterations to reconfigure the ground floor layout, creation of an additional dormer at first floor to enable the en-suite to be re-arranged, a rear structural glass extension, infill a rooflight, split three light window into two windows by brickwork infill between the two and lower eil height and new external brick wall.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for internal alterations to reconfigure the ground floor layout, creation of an additional dormer at first floor to enable the en-suite to be re-arranged, a rear structural glass extension, infill a rooflight, split three light window into two windows by brickwork infill between the two and lower eil height and new external brick wall at Japonica Cottage, Preston CT3 1DU in accordance with the terms of the application, Ref 21/00674, dated 27 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Ground Floor Plan

20-26-01

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| Existing First Floor Plan | 20-26-02 |
| Existing Roof Plan | 20-26-03 |
| Existing Right Existing Front and Right Side Elevation; Existing Section AA | 20-26-04 |
| Existing Rear and Left Side Elevations; Existing Section BB | 20-26-05 |
| Existing Site Plan | 20-26-06 Rev A |
| Proposed Site Plan | 20-26-07 Rev B |
| Proposed Ground Floor Plan | 20-26-08 Rev B |
| Proposed First Floor Plan | 20-26-09 Rev A |
| Proposed Roof Plan | 20-26-10 Rev A |
| Proposed Right, Left and Right Side Elevations; Proposed Section CC | 20-26-11 Rev B |
| Proposed Front and Right Side Elevations | 20-26-12 Rev A |
- 3) No development shall take place until the following details have been submitted to and approved in writing by the local planning authority and the development thereafter shall be carried out in accordance with the approved details:
 - a) at a scale of 1:10 the proposed interface between the existing building and the extension; and
 - b) at a scale of 1:5 and 1:1 typical details of all new joinery, to include mouldings and glazing bars also showing glazing. Details of finishes including colour shall also be included.
 - 4) No development shall take until a sample panel of brick work measuring not less than 1m x 1m has been constructed, which shall show the bond, details of mortar mix and type and style of pointing together with details of all other external materials to be used has been approved in writing by the local planning authority. Development shall only be carried out in accordance with the approved details.

Appeal B

2. The appeal is allowed and listed building consent is granted for internal alterations to reconfigure the ground floor layout, creation of an additional dormer at first floor to enable the en-suite to be re-arranged, a rear structural glass extension, infill a rooflight, split three light window into two windows by brickwork infill between the two and lower cil height and new external brick wall at Japonica Cottage, Preston CT3 1DU in accordance with the terms of the application Ref 21/00675 dated 21/00675 and the plans submitted with it subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
 - 2) No works shall take place until the following details have been submitted to and approved in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details:

- a) at a scale of 1:10 the proposed interface between the existing building and the extension; and
 - b) at a scale of 1:5 and 1:1 typical details of all new joinery, to include mouldings and glazing bars also showing glazing. Details of finishes showing glazing. Details of finishes including
- 3) No works shall take until a sample panel of brick work measuring not less than 1m x 1m has been constructed, which shall show the bond, details of mortar mix and type and style of pointing together with details of all other external materials to be used has been approved in writing by the local planning authority. Development shall only be carried out in accordance with the approved details.

Preliminary Matters

- 3. The Council amended the description of the proposal in Appeal A so as to be limited to just the works that require planning permission. I have utilised the descriptions on the application form on the basis that this clearly sets out that applied for in both cases, albeit I have turned them into a single sentence.
- 4. As the proposal involves works to a listed building I have had special regard to Sections 16(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Main Issue

- 5. The main issue in each case is whether the proposal would preserve the special architectural and historic interest of the listed building and its setting.

Reasons

The significance of the listed building

- 6. The Council has not referred to any development plan policies beyond that relating to the extent of settlement boundaries; Policy DM 1 of the Dover District Core Strategy. This indicates that development will not be permitted outside urban boundaries and rural settlements unless justified by other development plan policies or is ancillary to existing development or uses. As the proposal would extend and be ancillary to an existing development it would comply with this policy.
- 7. The National Planning Policy Framework (the Framework) defines the significance of a heritage asset as the value of a heritage asset to this and future generations because of its heritage interest. The national Planning Practice Guidance also notes that 'significance' derives not only from a heritage asset's physical presence, but also from its setting.
- 8. Paragraph 199 of the Framework indicates that great weight should be given to the conservation of a heritage asset and this is irrespective of the level of harm that may occur. It is also emphasised that the more important the asset, the greater the weight should be. Paragraph 200 of the Framework indicates that any harm to the significance of a heritage asset, or from development within its setting, should require clear and convincing justification.
- 9. Japonica Cottage is a detached dwelling located on the corner of The Street and The Forstal. It was first listed in 1987 at Grade II with Group Value.

10. Although the listing description indicates that the building dates from the late seventeenth century, with later additions, analysis on behalf of the appellants in the Heritage Statement submitted at the application stage indicates the earliest parts of the building date from the fifteenth century or even before. This can be identified from parts of the roof structure that are exposed within parts of the building. The appellant indicates that the building was originally constructed as an open hall house.
11. The building has been extended, and internally remodelled, on numerous occasions, with extensions to the rear and to the side. Apart from the earliest post-Medieval extensions, there were extensions during the Victorian period and further extensions and remodelling following planning permission and listed building consent in 1996 (the 1996 permissions).
12. The principal elevation is to the south and comprises five bays. The eastern three bays are one-and-a-half storeys in height and represent the pre-nineteenth century house. The surviving elements of the medieval core of the house are confined to the central two bays, while the easternmost bay was rebuilt probably in the late seventeenth century leading to the dating on the list description. The central ridge stack was likely inserted at the same time, although the upper elements have been rebuilt in the nineteenth or twentieth century.
13. To the west of the earlier parts of the building is a two storey bay dating, according to the heritage statement, from the mid-nineteenth century and is thus Victorian. There were two extensions added following the 1996 permissions. One, single storey extension on the eastern side on the rear elevation and a second, two storey side extension on the western side.
14. Internally, the building exhibits elements of its structure and important features including inglenook fireplaces and a bread or smoking oven. Due to the removal of some of the original external walls when later extensions were built the form of the original medieval part of the building has been somewhat compromised. The ground floor is on several separate levels separated with short staircases or single steps.
15. Overall, the significance of the listed building for the purposes of these appeals relates to its medieval structure, parts of which remain intact, and its development over time, leading to a multi-phased building. The roof form of the medieval building is particularly significant, but the whole exhibits its development as a dwelling over time. The rear, north elevation is more utilitarian than that facing the south, and its significance has been reduced by a number of unsympathetic elements including the rooflights above the kitchen.

The effect on the listed building

16. The proposal is in various parts. Firstly, for a single storey glass extension to be connected at the rear of the building on the western side into the junction of the Victorian and 1996 extensions. This would be set into the existing ground level with the top being below the existing eaves height of the catslide roof. It would be a glazed 'box' on a low brick plinth with a flat roof. It would extend less far into the garden than the western 1996 extension but would be wider. There would be a sunken patio beyond the new extension.

17. Internally, the western end of the existing house would have its internal walls removed to open up this space. The floor level would be reduced to allow level access to the new glass extension, with a new short stairway introduced within the Victorian extension. This would then become the kitchen area.
18. Secondly, within the central area of the dwelling, where the kitchen is currently located, a section of the floor would be changed to make it coincide with the bottom of the staircase. A new internal wall would be located on the line of the north elevation of the original open hall house, and part of the section under the bottom of the catslide divided to create a wc and boot room. Externally, one of the rooflights would be removed, and two windows inserted to replace the elongated window that serves the existing kitchen with the resulting gap made good.
19. At first floor level a new hipped roofed dormer would be installed in the western end of the two-storey extension rear elevation with access through an existing cupboard which would be removed. In the 1996 single storey extension it is proposed that a new internal wall would be installed and the ancillary uses amended.
20. Finally, a new brick wall is proposed to the west of the building perpendicular with the west elevation to replace an existing wooden panel fence.
21. The Council's objections appear to relate only to the single storey glass extension. But notwithstanding that, my consideration should relate to all aspects of the proposed works.
22. I will first deal with the proposed extension. I would disagree with the appellants when they indicate that they do not believe that this would involve the loss of any historic fabric, since the whole of the existing structure shows the development of the building over time. However, I would accept that the fabric to be lost would be part of the less historically important parts of the building, albeit some forms part of the Victorian extension. As such, this loss of fabric would result in some harm.
23. The proposed glass box would appear as a discrete modern extension to the listed building. While of a reasonable size, due to its location beneath the eaves of the cat-slide and open nature, it would appear subordinate to the main dwelling and would not affect or compete with the significance of the compact spaces in the listed building.
24. Originally, the building was rectilinear in shape, but it is clear from the analysis within the Heritage Assessment that even by the Victorian era this had been amended with a small extension to the rear. The two-storey Victorian extension changed the character of the building from a simple form to a more complex one. The 1996 single storey extension made a material difference in how the rear elevation was experienced.
25. While the proposed single storey extension will change the plan form of the building, the lightweight and subordinate nature of the structure would mean that it would preserve the overall setting of the listed building since it would do no harm to its significance as identified above.
26. Conversely, the provision of a new interior wall in the location of the current kitchen would enhance the historical legibility of the plan form and identify the form and space of the original hall house.

27. In a similar way, the removal of the rooflight would enhance the building as would the replacement of the elongated window with the two discrete windows in the rear elevation.
28. The proposed dormer would be of similar design to those on the front elevation, and while it would be more imposing than the two, existing flat roofed dormers on the rear elevation, it would be a small discrete feature in the rear elevation and externally would not harm the significance of the listed building. Internally, there would be a very small loss of fabric from the history of the building, but from a more modern part of the structure.
29. The brick wall would enhance the setting of the building when compared with the existing timber fence as it would provide an improvement to the quality of the finishes.
30. While the proposal would involve the loss of historic fabric at both ground and first floor any harm would be balanced by the enhancement from the introduction of the internal walls in the existing kitchen area better marking the original, and most historically important, building form, the changes to the windows and the provision of the garden wall. I consider that, taken together, the proposal would preserve the significance of the listed building.
31. That being the case the proposal would preserve the special architectural and historic interest of the listed building and its setting, and therefore would comply with paragraph 195 of the Framework.

Conditions

32. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale conditions, I have imposed a condition specifying the relevant drawings on the planning permission as this provides certainty. Such a condition is not necessary on the listed building consent as this is for the works and plans as approved and therefore would fail the test of necessity.
33. I have also imposed conditions relating to the detailed specification of the joinery and materials in order to ensure that the works preserve the listed building. I have not imposed that part of the condition relating to mechanical ventilation as this is not shown on the drawings as being installed. The pre-commencement conditions have been agreed by the appellants.
34. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

35. For the reasons given above I conclude that the appeals should be allowed.

RJ Jackson

INSPECTOR