



Appeal Decision

Site visit made on 21 March 2023

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2023

Appeal Ref: APP/T2215/D/22/3301765

Three Buoys Red Street, Southfleet, Kent DA13 9QL

- 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 Geoffrey Hackett against the decision of Dartford Borough Council.
 - The application Ref DA/22/00472/FUL, dated 20 April 2022, was refused by notice dated 23 June 2022.
 - The development proposed is installation of solar panels on the south facing roof.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the setting and significance of Old Ship Cottage, a Grade II Listed Building.

Reasons

3. Old Ship Cottage is a two-storey dwelling. The listing description records that it is a C17th or earlier timber-framed cottage refaced with weatherboarding. It has a two-storey central projection to the front set between two bays with small gables over, and a tiled roof with a large chimney. I consider that its significance derives largely from its aesthetic interest resulting from its architectural composition and use of materials, as well as its historic fabric and its interest as a feature illustrating the past development of Southfleet.
4. The dwelling on the appeal site and others nearby are more modern than Old Ship Cottage, and are appreciable as later development that has previously introduced change to its setting. From the information before me, I consider the contribution that this wider setting now makes to the significance of Old Ship Cottage to be modest. Nevertheless, the closest neighbouring buildings comprise bungalows and chalet bungalows, and their lower profile and sympathetic materials including tiled roofs of generally similar texture gives them a relatively unobtrusive appearance that sits comfortably against the listed building. Given these factors, I find that the appeal dwelling does make some contribution to the significance of the listed building as part of its setting.
5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA') requires special regard to be given to the desirability of preserving the setting of listed buildings.
6. The appellant asserts that the proposed solar panels would lead only to a visual change in colour of the roof of the appeal dwelling. However, I consider that

the colour of the panels when combined with the smooth finish and projection from the roof plane would appear in marked contrast to the existing roof finish. The panels would occupy the majority of the roofslope which faces towards Old Ship Cottage, and given the orientation of the appeal dwelling and its siting in close proximity, they would be clearly seen together with the listed building in views including from Red Street. In these views, I consider that the panels over such a large extent of the roof would form a visually intrusive and incongruous modern element that would stand out against the listed building, altering how it is experienced in its setting.

7. Consequently, the setting of Old Ship Cottage would not be preserved, and I find that the development would harm the significance of the listed building, albeit that I consider the harm would be minor given the contribution that setting makes to its significance overall and that the appeal site forms only part of this setting. In the terms of the National Planning Policy Framework ('the Framework'), the harm would be 'less than substantial', and should be weighed against the public benefits of the proposal.
8. The proposal would provide renewable energy, consistent with Government objectives as noted in the Framework to support the transition to a low carbon future in a changing climate. However, while the appellant suggests that it could generate a significant amount of electricity, no firm details demonstrating the likely contribution have been provided to substantiate this statement, and so the extent of the benefit is unclear which limits the weight that I afford to it.
9. On the other hand, the harm to the significance of the listed building would be minor, but the Framework sets out that great weight should be given to the conservation of heritage assets, and the harm attracts considerable importance and weight. The Framework further sets out that any harm to the significance of a designated heritage asset including through development within its setting requires clear and convincing justification. From the evidence before me, I find that the public benefits of the proposal are not sufficient to outweigh the harm that would be caused to the significance of the listed building.
10. I therefore conclude that the proposal would fail to preserve the setting of the listed building of Old Ship Cottage and would cause harm to its significance. It would conflict with Policy DP13 of the Dartford Development Policies Plan 2017 which broadly seeks the preservation of listed buildings and their settings, and to conserve heritage assets in a manner appropriate to their significance. Policy M5 of the Pre-Submission Dartford Local Plan includes similar requirements, although the weight that I afford to conflict with this policy is reduced given that the plan is not yet adopted and so could be subject to change.

Conclusion

11. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR