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## Appeal Decisions

Site visit made on 18 April 2023

**by P Jackson B Arch (Hons) RIBA**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> May 2022**

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### **Appeal Refs: APP/E2205/W/22/3295353 and APP/E2205/Y/22/3297745 Frogs Hole Farm, Frogs Lane, Rolvenden TN17 4QB**

- The appeals are made under section 78 of the Town and Country Planning Act 1990 and under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of decision on applications for planning permission and listed building consent.
  - The appeals are made by Tim Wren against Ashford Borough Council.
  - The applications Refs 21/01714/AS and 21/01672/AS are dated 16 September 2021.
  - The development proposed comprises new rear single storey extensions: new entrance porch to front elevation.
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#### **Preliminary matter**

1. Had the Council been in a position to determine the applications, it would have refused both applications on the following grounds:

*'The proposed extensions, by reason of their bulk, massing, form and detailing would appear as inappropriate, incongruous additions which would detract from the special historic and architectural character, appearance, setting and integrity of the listed building resulting in less than substantial harm without any public benefit to outweigh this harm contrary to policies SP1, SP6, ENV13 of the Ashford Borough Local Plan 2030, Policies RN1 and RN3 (sic) of the Rolvenden Neighbourhood Plan and Government policy in the National Planning Policy Framework'*

2. I have considered the appeals on this basis.

#### **Decisions**

APP/E2205/W/22/3295353

3. The appeal is allowed in part and dismissed in part. The appeal is dismissed in respect of the orangery ref O and planning permission is refused. The appeal is allowed and planning permission is granted in respect of the kitchen/dining extension ref E and the front porch ref P, in accordance with the application ref 21/01672/AS dated 16 September 2021 and the plans submitted with it, subject to the conditions at the end of this decision.

APP/E2205/Y/22/3297745

4. The appeal is allowed in part and dismissed in part. The appeal is dismissed in respect of the orangery ref O and listed building consent is refused. The appeal is allowed and listed building consent is allowed in respect of the kitchen/dining extension ref E and the front porch ref P, in accordance

with the application ref 21/01714/AS dated 16 September 2021 and the plans submitted with it, subject to the conditions at the end of this decision.

## **Main Issues**

5. The main issue in both appeals is the effect of the proposed development on the architectural character and historic interest of Frogs Hole Farm, which is listed as 'Slades Cottage' at Grade II.

## **Reasons**

6. The appeal property originally comprised a modest 18<sup>th</sup> century single storey rural dwelling. Prior to being included on the statutory list, it was extended upwards, to the side and to the rear. These changes have not significantly affected its heritage interest as a simple rural dwelling. A unremarkable 1970s double garage/workshop to the side was incorporated into the property and linked back into the house towards the rear, but the original form of the dwelling is easily perceived and understood. The heritage interest of the property stems from the modest form of the western half of the structure as a historic rural residence. Its simple form is clearly perceived from the road and is clearly distinguishable from the more modern garage conversion because of its blue headers and red stretchers in Flemish bond.
7. The house lies on a rising slope at an angle to the road which has been excavated to allow the garage and link to be built. The original cottage lies on relatively level ground and there is a garden behind it before the land rises further to the east. The larger part of the proposed extensions (labelled Ref E) comprising kitchen, breakfast room and dining room would be built directly to the rear of the later garage and link. This would involve further excavation into the steeply rising ground and the extension would be very difficult to perceive from any public viewpoint, notwithstanding its significant floor area. Even seen from the rear on higher ground, there would be no appreciable visual impact. The original dwelling, wherein lies its heritage significance, would not be significantly affected.
8. The proposed simple entrance porch (Ref P) would be added to the link which is a relatively modern and rather bland part of the existing building. Providing the existing entrance door is retained in form, similar to another existing full height door in the same elevation, as proposed, there would be no appreciable effect on the ability to appreciate the heritage significance of the listed building.
9. In contrast, the proposal to add an 'orangery' (Ref O) to the rear of the older part of the building would appear incongruous. It would suburban in appearance and largely glazed which would be out of character with the 18<sup>th</sup>/19<sup>th</sup> century element. It would have a partially flat roof with a pyramid style rooflight which would be out of keeping. It would meet the existing rear lean-to structure (part of which at least is thought to be original) in a rather awkward fashion involving (according to the elevation) a distinctly higher eaves line. It would be clearly visible from the road, distracting and detracting from the simple appearance and heritage significance of the listed building. There is no public benefit that would outweigh the 'less than substantial harm' that would occur.
10. The interior changes are not regarded by the Council as a reason to refuse the proposal and I agree. I conclude that the orangery element would conflict with

the objectives of strategic policy SP1, the design quality aims of policy SP6, the heritage protection aims of policy ENV13 of the Ashford Borough Local Plan to 2030; the design and countryside conservation aims of policies RNP1 and RNP3 of the Rolvenden Neighbourhood Plan, and advice in the National Planning Policy Framework. The kitchen extension Ref E and the porch Ref P would conserve the architectural character and historic interest of the listed building and would not conflict with development plan policies.

### **Conditions**

11. Conditions are imposed to ensure that the details and materials used for the extension are sympathetic to the listed building and to ensure that, except for the orangery, the development is built in accordance with the approved drawings.

### **Conclusion**

12. For the above reasons, the appeals should be allowed in part and dismissed in part.

*Paul Jackson*

INSPECTOR

Schedule of conditions- planning permission ref. APP/E2205/W/22/3295353

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Except for the orangery Ref O, the development hereby permitted shall be carried out in accordance with the following approved plans:  
16 Sep 2021 SEPT21/FHF/BSLP BLOCK & SITE LOCATION  
16 Sep 2021 SEPT21//FHF/EPEE EXISTING & PROPOSED EAST ELEVATIONS  
16 Sep 2021 SEPT21/FHF/PEE PROPOSED EXTERIOR ELEVATIONS  
16 Sep 2021 SEPT21/FHF/PFP PROPOSED FLOOR PLANS  
16 Sep 2021 SEPT/21/FHF/PEE MATERIALS
- 3) Notwithstanding the approved drawings, no orangery element Ref O shall be constructed.
- 4) No development shall take place until details of the design of typical details of all new joinery, In addition, sections, mouldings and glazing bars at a scale of 1:1 or 1:2 showing means of fixing glazing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) Prior to the commencement of development, a sample panel of brickwork measuring not less than 1 metre by 1 metre shall be constructed to show

the brick bond, details of mortar mix and type and style of pointing. The Local Planning Authority shall then be notified in writing of the construction of the panel. The Local Planning Authority shall then consider the panel and if acceptable approve it in writing. The approved sample panel shall thereafter be retained on site for the duration of the works. The development shall be constructed in accordance with the approved panel.

Schedule of conditions- listed building consent ref. APP/E2205/Y/22/3297745

1. The works authorised by this consent shall begin not later than 3 years from the date of this consent.
2. Except for the orangery Ref O, the works subject of this consent shall be carried out in accordance with the following approved plans:
  - a. 16 Sep 2021 SEPT21/FHF/BSLP BLOCK & SITE LOCATION
  - b. 16 Sep 2021 SEPT21//FHF/EPEE EXISTING & PROPOSED EAST ELEVATIONS
  - c. 16 Sep 2021 SEPT21/FHF/PEE PROPOSED EXTERIOR ELEVATIONS
  - d. 16 Sep 2021 SEPT21/FHF/PFP PROPOSED FLOOR PLANS
  - e. 16 Sep 2021 SEPT/21/FHF/PEE MATERIALS
3. Notwithstanding the approved drawings, no orangery element Ref O shall be constructed.
4. No works shall take place until details of the design of typical details of all new joinery, including sections, mouldings and glazing bars at a scale of 1:1 or 1:2 showing means of fixing glazing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. Prior to the commencement of development, a sample panel of brickwork measuring not less than 1 metre by 1 metre shall be constructed to show the brick bond, details of mortar mix and type and style of pointing. The Local Planning Authority shall then be notified in writing of the construction of the panel. The Local Planning Authority shall then consider the panel and if acceptable approve it in writing. The approved sample panel shall thereafter be retained on site for the duration of the works. The development shall be constructed in accordance with the approved panel.