
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: 15 May 2023

Appeal Refs: APP/J2210/W/22/3298805 and APP/J2210/Y/22/3298804 6 Best Lane, Canterbury CT1 2JB

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission and under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeals are made by Mr Martin Daniell against the decisions of Canterbury City Council
 - The applications Refs CA/21/03015 and CA/21/03016, dated 14 December 2021 were refused by notices dated 17 February 2022.
 - The development proposed is a single storey rear extension to replace existing low quality additions along with internal alterations.
-

Decisions

APP/J2210/W/22/3298805

1. The appeal in respect of refusal of planning permission is dismissed.

APP/J2210/Y/22/3298804

2. The appeal in respect of refusal of listed building consent is allowed in part and dismissed in part. The appeal is allowed in respect of the internal alterations, subject to the conditions set out at the end of this decision. The appeal is dismissed in respect of the single storey rear extension.

Main Issue

3. Prior to the site visit, following the submission of a desk-based assessment of the archaeological potential of the site, the Council agreed that subject to the imposition of an appropriate condition, reason for refusal of planning permission No. 2 falls away. The main issue in both appeals is the effect of the proposed extension on the architectural character and historic interest of 6 Best Lane, which is listed at Grade II*.

Reasons

4. The appeal property is a 3 storey jettied timber-framed town house known as Tudor House. It lies within the Canterbury City Conservation Area. The Historic Building Appraisal suggests it was built in the early to mid-seventeenth century and refurbished extensively in the Georgian period. Two rear single storey extensions from the 19th and 20th century together with a timber shed being used as a gym would be replaced by a contemporary zinc and glass structure to contain a family kitchen, utility room and wc.

5. The heritage significance of the building stems mainly from its prominent and largely original architectural features, comprising its timber frame construction with multiple jetties front and rear, distinctive fishscale hanging tiles and 18th century refacing and internal panelling. It also derives significance from its relationship to Nos. 3 to 12 (including other listed buildings) and its historical association with the evolution of the city.

Internal alterations

6. The interior has been previously altered to provide en-suite bathrooms on the upper floors for a bed and breakfast business. The proposed alterations to adapt these spaces for single family use are broadly acceptable in heritage terms. Some minor 18th century panelling forming a linen closet on the second floor can be recorded for posterity by means of imposing a condition.
7. The changes to the ground floor living area include infilling of the north eastern doorway which accesses one of the later single storey rear extensions. This is from the nineteenth century and its infilling would not appreciably compromise heritage significance. The change to the (probably) 18th century corridor wall including new (French) double doors involves some loss of fabric, but in the context of the improvements elsewhere to enable practical use of the building by a single family, this would be acceptable. On balance, the changes to the floor layouts to restore single family use mostly involving the removal of modern studwork covered with plasterboard and/or hardboard and would be of benefit to the heritage significance of the property.

The rear extension

8. The rear of the building faces the Great Stour at the end of the garden. This is used for leisure boating amongst other activities. The appeal property lies in a group of historic buildings of varied ages which are clearly visible from the public realm. The 'backlands' between the properties on Best Lane and the river contain a diverse mixture of ancillary structures and extensions used for various purposes. These are traditionally built of a variety of brick walls and tiles with timber weatherboarding and lead flashings and are generally subservient to the host buildings by reason of size, construction or use.
9. The jettying of the uppermost 2 floors of the host building is visible from the rear. Although the lower jetty is partially concealed by the existing extensions, it is still perceived and the extensions to each side do not prevent appreciation of the historic form and construction of the whole of the building. Contrary to the suggestion that the new extension would restore whole views of the rear façade, only small parts of the existing extensions cover tile hanging at the rear. The proposed extension would cover the whole width of the plot and obscure the jettying and a significant amount of tile hanging above the jetty up as far as the sill of the first floor window, appreciably affecting perception of the original proportions of the rear elevation.
10. The detail construction of the junction between the proposed glass skylight and the tile hanging has not been addressed. No information has been provided of any flashings that might be required, which would almost certainly cover more of the tile hanging. No information has been provided to indicate how the tiles would throw rainwater onto the extension or how the glass would relate to the proposed zinc. The precise appearance of the jettying to the occupants of the family room is unclear and no information is provided to indicate how existing

soil pipes traversing the jettying would be dealt with or whether any plumbing alterations are necessary.

11. It is entirely unclear how the joint between glass and hanging tiles would be sealed. The glass element may provide a clear distinction between old and new but without details, the effect on the listed building cannot be assessed and may involve removal of historic fabric, matters which should not be left to a condition. Paragraph 194 of the National Planning Policy Framework (NPPF) advises that the level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. There is insufficient detail to properly consider the impact on this Grade II* listed building.
12. Moreover, the rationale behind proposing 'pre-finished' zinc (presumably not 'natural' zinc) is unclear. The removal of the existing poor quality extensions is acceptable in principle but it is not explained how the replacement contemporary extension with strong vertical elements and glass would 'preserve or enhance' (using the applicant's wording) the heritage significance of Tudor House. The proposed unashamedly modern materials, in the context of the host building, neighbouring historic buildings and the existing informal grouping of ancillary rear structures, need adequate justification. Recognising that simple modern structures can emphasise and enhance existing heritage value and not detract because of their readily obvious contrast, the application of that principle needs careful explanation where there is the potential to obscure and alter existing heritage significance. In this case, the form of the building envelope and the contrast in materials would be too great and would distract the viewer. It would not be subservient or 'light touch' or sympathetic to local character or history. That difficulty is reinforced by the uncertainty surrounding the details and as the appellant admits, maintenance access to the facade.
13. The appeal property is listed at Grade II* and is therefore a particularly important building of more than special interest. Grade II* status accounts for less than 6% of buildings on the statutory list. While the internal alterations would be acceptable, the rear extension would not conserve or enhance the historic environment. There are no public benefits of any great weight to balance against the 'less than substantial harm'¹ that would be caused. The proposal would conflict with the heritage protection aims of policies DBE6, HE1, HE4 and HE8 of the Canterbury District Local Plan adopted in July 2017 and advice in the NPPF.

Conclusions

14. For these reasons, the appeal against refusal of planning permission fails. The appeal against refusal of listed building consent should be allowed in respect of the internal alterations and refused in respect of the rear extension.

Paul Jackson

INSPECTOR

Contd./

¹ In the terms used in the NPPF

Schedule of 3 conditions related to listed building consent:

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The developer shall give the local planning authority 14 days advance notice of the start of any works and, for a period of 14 days before any work takes place, access to the building shall be given to a person/body nominated by the local planning authority for the purpose of recording the relevant parts of the interior by making measured drawings or taking photographs.
- 3) No works shall take place until details of the design of the French doors including drawings at scale of 1:10 have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.