



Appeal Decision

Site visit made on 25 May 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Appeal Ref: APP/X2220/D/23/3314202

Chapel Farm Cottage, Lower Street, Tilmanstone, Kent CT14 0HY

- 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 Mitch Brown against the decision of Dover District Council.
 - The application Ref 22/01073, dated 12 August 2022, was refused by notice dated 14 October 2022.
 - The proposed development is for amendments and alterations to the dwelling with a side/front two storey extension and accompanying new roof.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council refers to policies of the New Dover District Local Plan. This is currently at the examination stage and has not yet been adopted by the Council as part of its development plan. Accordingly, I can only give such policies limited weight in the decision-making process.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the existing dwelling and the setting of the Listed Building at Chapel Farmhouse.

Reasons

4. The appeal site comprises a two-storey, semi-detached dwelling with vehicular access to the land from the rear via Chapel Road. The front elevation facing Lower Street is finished in brick, with timber windows and a slate roof. The local neighbourhood is predominantly residential in nature, set within wider open countryside.
 5. It would be evident from Lower Street that the ridge height of the proposed two-storey side/front element would continue the ridge line of the existing property, and the front elevation would be flush with the host dwelling.
 6. Being flush with the front elevation and the ridge line, the addition would lack subservience. The imposing appearance of the extension would be in contrast to the existing dwelling, and challenge its overall scale. It would represent a bulky addition to the detriment of the character of the building. The harm would not be offset through the use of complementary materials and fenestration details.
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7. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when assessing proposals for new development which affects the setting of a listed building, special attention shall be paid to the desirability of preserving its setting. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
8. Although the proposal would extend away from the Chapel Farmhouse on the other side of the appeal dwelling, to my mind the two properties are read as one building when viewed from Lower Street. Chapel Farmhouse is clearly the principal element, being taller than the adjoining cottage.
9. The scheme would substantially elongate the appeal dwelling, altering its relationship with the main farmhouse. The additional width would increase the mass and bulk of the cottage, increasing its prominence, which would then compete with the Listed Building and reduce the value of the heritage asset within the setting.
10. I am aware that the development would be screened by the existing yew tree, however I have no evidence before me to indicate that the specimen would survive post-development given that the foundations of the extension would be within the root protection area of the tree. Moreover it is highly likely that the tree would need to be significantly trimmed to allow light to the new windows.
11. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The harm would be less than substantial, on account of the fact that the proposal would only affect part of the character of the Listed Building.
12. Nevertheless, taking account of the statutory duty to have special regard to enhancing or preserving the character and appearance of a Listed Building, importance and weight must be attached to the harm identified. I appreciate that the proposal would replace a dormer window that does not contribute to the character and appearance of the property, but this benefit does not outweigh the harm outlined previously.
13. I recognise that the scheme would provide for an improved internal layout for the appellant and his family, that there would be no adverse effects on the living conditions of the occupants of neighbouring houses and there have been no objections from local residents. These matters notwithstanding, the scheme remains unacceptable for the reasons above.
14. Consequently, I conclude that the scheme would result in harm the character and appearance of the existing dwelling and the setting of the Listed Building at Chapel Farmhouse. It would be inconsistent with the advice in the Framework, which states that good design is a key aspect of sustainable development, and it is desirable for new proposals to make a positive contribution to local character and distinctiveness.

Conclusion

15. Having regard to all matters raised and based on my reasoning above, the appeal is dismissed.

C Hall

INSPECTOR