



Appeal Decisions

Site visit made on 12 June 2023

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2023

Appeal A Ref: APP/C1435/W/22/3299747

Flat 5, Herstmonceux Place, Church Road, Flowers Green, Herstmonceux BN27 1RL

- 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 Sir Philip and Lady June Dilley against the decision of Wealden District Council.
 - The application Ref WD/2021/3091/F, dated 13 December 2021, was refused by notice dated 10 May 2022.
 - The development proposed is alterations to two existing Edwardian sash windows on south elevation of the house at ground floor level. One window to be converted into new opening by dismantling brick apron and installing new timber double doors to provide access to external terrace. Remaining window to be altered to match appearance of new double doors to maintain the symmetry of the elevation.
-

Appeal B Ref: APP/C1435/Y/22/3299749

Flat 5, Herstmonceux Place, Church Road, Flowers Green, Herstmonceux BN27 1R

- 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 Sir Philip and Lady June Dilley against the decision of Wealden District Council.
 - The application Ref WD/2021/3092/LB, dated 13 December 2021, was refused by notice dated 10 May 2022.
 - The works proposed are alterations to two existing Edwardian sash windows on south elevation of the house at ground floor level. One window to be converted into new opening by dismantling brick apron and installing new timber double doors to provide access to external terrace. Remaining window to be altered to match appearance of new double doors to maintain the symmetry of the elevation.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matter

3. The planning and listed building appeals relate to the same scheme. The remits of the legislative regimes dealing with these aspects are different. However, to avoid repetition I have dealt with both appeals together unless otherwise noted in this decision letter.

Main Issue

4. The main issue is whether the proposal would preserve the listed building or any features of special architectural or historic interest that it possesses.

Reasons

5. Herstmonceux Place is listed as Grade I in the National Heritage List for England¹. Although the property has now been subdivided into flats, that change in use has been carried out without any significant alterations to its external appearance. From its early beginnings in the C16 the building has been enlarged through two significant extensions in 1722 (northwest wing) and 1777 (northeast and southeast wings), the latter by the neoclassical architect Samuel Wyatt. There have been subsequent smaller additions and alterations, including terracing around the building, servants' quarters and a billiard room in the early C20. A small raised terrace was added to the southeast front in the 1980s.
6. For the purpose of these appeals, the most significant element is the southeast front in the 1777 wing, consisting of a central range flanked on either side by semi-circular bays topped by leaded saucer domes. The heritage statement accompanying the proposal identifies that, contrary to what is said in the list description, the original façade was of stucco that was refaced with brick in the early C20. As part of the same works, decorative panels above the ground floor windows were retained, and a stone capped plinth and string course replaced similar stucco features on the original façade. The plinth is interrupted by brick panels underneath each of the ground floor windows which rise up to the underside of the stone cills.
7. The appellants say that the windows were replaced at the same time as these other alterations, and criticise them for being crude when compared to Georgian sash windows of the late C18. The existing windows do not have as narrow glazing bars as the example shown from Belmont House². However, comparing the historical photos of Herstmonceux Place with the existing façade, I consider that the existing windows essentially maintain the proportions of their predecessors. Importantly, all the windows on each floor of the main southeast elevation utilise the same design in relation to their size, shape and glazing bar detailing.
8. The significance and special interest of the listed building, insofar as it relates to these appeals, is predominantly derived from the symmetrical composition of the southeast front, not only of the flanking bays bookending the central range, but also the regular pattern and elegant proportions of the windows, those on the ground floor being somewhat larger to emphasise the importance of the rooms they light. While refronting in brick has changed the appearance of the façade, and some of the architectural detailing may be more prominent than originally intended, I consider that these alterations have not undermined the significance of Samuel Wyatt's original design, with the elevation retaining its neoclassical proportions and style.
9. The elongation of the two central ground floor openings to form a door on one side and a matching opening on the other would interrupt this composition. I recognise that the proposal to alter two openings has been chosen to retain

¹ List entry number 1043172

² Planning Direct, appeal statement, page 19.

vertical symmetry. However, it would be apparent that the openings differed noticeably from the proportions of the remaining ground floor windows, the regularity of which forms an important element of the overall façade.

10. The differences between the new openings and existing windows would be further emphasised by the timber panels at the bottom of each opening, and the wider central glazing bar/door frame that would awkwardly divide the middle panes of glass, terminating under the upper sashes. Even if the timber panels were painted a tone to represent brickwork, the proposed detailing would serve to draw the eye to the differences between the two openings and those in the rest of the façade.
11. I note that the design of the appeal proposal is based on a door at Tatton Hall in Cheshire, another property designed by Samuel Wyatt. It is not clear whether this is part of the original design, although the presence of the portico would suggest that an entrance was intended. That differs from the southeast front at Herstmonceux Place, where an external door was never part of the design. Furthermore, the glazing on the opening at Tatton Hall extends to the floor level and there are no timber panels at its base.
12. Reference is also made to Doddington Hall, Cheshire and Shugborough Hall, Staffordshire which include either terraces and/or combinations of doors and windows in main elevations. The appellants consider that the approach taken by Samuel Wyatt to terraces located on these other neoclassical buildings provides the best indication of how he would have approached a terrace, served by an external door, had he chosen to include one at Herstmonceux Place.
13. However, unlike at Doddington and Shugborough, terracing was not part of Wyatt's design at Herstmonceux. The terraces added in the C20 are something of an anomaly both in terms of the original setting for the building which did not include terraces as part of the grounds, and the absence of direct access when the smaller terrace was built in the 1980s. The presence of these terraces does not, in my judgement, justify further departing from the original design of the southeast front.
14. Moreover, the examples at Tatton, Doddington and Shugborough all highlight that where a doorway was designed as an entrance feature it was placed on the centre line of the elevation of which it formed part. At Tatton Hall and Doddington Hall the doorways are central to flanking openings below a pediment. At Shugborough Hall again the doorways are central. The overriding factor is that the odd number of openings ensures that the doorway or doorways are central. In contrast, on the southeast front at Hermonceux Place the even number of openings between the semi-circular bays means that the doorway would not be central on this elevation or in relation to the 1980's terrace. Whilst the use of the blind doorway would ensure the vertical symmetry of the elevation is retained the overall composition of this elevation would be eroded.
15. Reference is also made to Pitzhanger Manor in Ealing where a new door has been installed. This building was designed by a different architect and occupies a different setting to that of Herstmonceux Place. It bears little resemblance to the appeal site in form or character. A further example at Sheffield Park House has been referenced in the appellant's final comments. This building is designed in a Gothic revival style and is therefore very different from

Herstmonceux Place. Neither set a precedent for the works proposed in the appeals.

16. The proposal would result in the removal of a small amount of historic fabric. The majority of this would be later C20 brickwork and window frame which is of lesser historical importance, although some original walling and internal boarding and skirting would also be lost³. That would be a small but nevertheless adverse consequence of the proposed works. The appellants have suggested that, if necessary, the skirting boards could be retained by having a low threshold to each opening and a ramp. Although that proposal does not form part of the submitted scheme, I do not consider my decisions would turn on it.
17. I am required by sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest that it possesses. I consider that in this case the proposed alterations would cause harm to the special interest of the listed building by the erosion of the composition of the southeast elevation and the loss of historic fabric. I consider the harm so caused would be less than substantial, although that does not diminish the great weight that should be given to it.

Other Matters

18. The grounds of Herstmonceux Place, together with those of Herstmonceux Castle, are listed grade II* in the Register of Historic Parks and Gardens. Neither party suggest that the proposed alterations to Herstmonceux Place would have any material effect on the significance or special interest of the registered park and garden. I agree with that view and have not considered this matter any further.

Conclusion

19. Where development would result in less than substantial harm to the significance of a designated heritage asset, paragraph 202 of the National Planning Policy Framework (the 'Framework') requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
20. I appreciate the advantage for the appellants of being able to access their terrace and garden area more easily. However, that is essentially a private benefit rather than a public one. The terrace and garden can be accessed by stepping over the sills of one of two ground floor windows. I recognise that may be difficult for some people, but they can also be accessed by walking round the outside of the building⁴. Although that may be more inconvenient, it does not indicate to me that the viable use of the flat as a dwelling is seriously threatened.
21. There would be some limited benefit in replacing the modern concrete paving slabs on the small terrace with more traditional flagstones. As that would enhance the contribution that setting makes to the significance of the listed building it would be of public benefit, albeit only a minor one.

³ Planning Direct, appeal statement, page 30. Part of the boarding may be modern.

⁴ I reach that view having taken account of the Equality Act 2010 and the Public Sector Equality Duty.

22. Other benefits cited are that the proposal would improve the qualities of the southeast elevation by enabling the 1980s terrace to fulfil its essential function facilitating movement between indoors and outdoors, and that the alterations would be a good example of C21 architecture which would add to rather than detract from the heritage asset. For the reasons given above, the benefit of gaining easier access to it does not outweigh the harm that would be caused to the listed building, nor would the design of the alterations enhance the significance and special interest of the listed building. Neither of these amount to public benefits that outweigh the harm that would be caused.
23. Grade I is the highest rating for buildings of special architectural or historic interest, with only some 2.5% of listed buildings assigned this grade. Paragraph 199 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.
24. Even though I have found that the harm to the listed building would be less than substantial, it nevertheless attracts great weight, even more so because of the architectural and historic importance of the building. I consider that the limited weight of the public benefits would not justify or outweigh the weight to be attributed to the harm to the listed building that I have identified.
25. It would for the same reasons conflict with Spatial Planning Objective SP02 of the Core Strategy⁵, which requires that the intrinsic quality of the historic environment is protected. It follows that the proposal would conflict with the development plan when taken as a whole.
26. Consequently, I conclude that the appeals should be dismissed.

Guy Davies

INSPECTOR

⁵ Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan 2013