



Appeal Decisions

Site visit made on 24 May 2023

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 August 2023

Appeal A Ref: APP/B1740/W/22/3311254

17 St Johns Street, Hythe, Hampshire SO45 6BZ

- 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 Barrie Willacy against the decision of New Forest District Council.
 - The application Ref 22/10239, dated 1 March 2022, was refused by notice dated 1 September 2022.
 - The development is a single storey rear extension.
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Appeal B Ref: APP/B1740/Y/22/3311950

17 St Johns Street, Hythe, Hampshire SO45 6BZ

- 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 Mr Barrie Willacy against the decision of New Forest District Council.
 - The application Ref 22/10252, dated 1 March 2022, was refused by notice dated 1 September 2022.
 - The works are a single storey rear extension.
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Decisions

1. Appeals A and B are dismissed.

Preliminary Matters

2. As set out above there are two appeals which relate to the same proposal and site under different, complementary legislation. I have considered each on its own merits although to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. The Application Form did not describe the development or works other than noting that permission was sought for work already carried out. I have therefore used the descriptions from the Council's decision notices in the headings above which effectively describe the development and works.
4. The Council's planning decision notice refers to the scheme's effect on the setting of the Hythe Conservation Area however the site lies within its boundaries. The duty set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is therefore engaged which requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

Main Issues

5. The main issues raised by both appeals are the effect the extension has on the special interest of the grade II listed buildings at 13 and 15, and at 17, St Johns Street¹ and on the character and appearance of the Hythe Conservation Area.
6. An additional issue in Appeal A is the effect the development has in respect of the risk of flooding.

Reasons

Designated heritage assets

7. No 17 is an attractive Georgian house with a later full width rear element beneath a pair of pitched roofs. Its architecture, age, materials, architectural features and situation within an elongated burgage plot near the historic centre of the town all contribute to its significance as a designated heritage asset. The small scale and subservient character and appearance of the rear kitchen offshoot maintains the visual and architectural hierarchy between the formal house and its more incidental range of attached structures to the rear.
8. The appeal building abuts the slightly later Nos 13 and 15 which is also a listed building and whose significance includes similar aspects to that of No 17 as well as the group value they provide. Both listed buildings derive some significance from their settings within the historic streetscape and to a degree are mutually dependent on one another. The Conservation Area derives considerable significance from this historic townscape in the centre of Hythe and from the architecture of the individual buildings and spaces which are components of its distinctive character.
9. The drawing showing the previous configuration depicts an offshoot no wider or higher than the kitchen extension to which it was attached with a lean-to pitched roof terminating in a gable. The current extension occupies its predecessor's location but also projects beyond the front and end of that previous building and has a markedly wider footprint than the adjoining kitchen extension. It too has a pitched lean-to roof but with a hip at the end and it is skirted on two sides by a flat roof.
10. The projection beyond the current kitchen offshoot gives the extension an awkward appearance which upsets the diminishing hierarchy and subservience of the previous arrangement. Notwithstanding that No 13 has a hipped roof at one end, the flat roof and hipped element appears at odds with the gabled roofs of the host building and the neighbouring offshoot at No 15, particularly set against a parapet wall on the party boundary that extends beyond the hip. The size, situation, proximity and detailing of a pair of large rooflights relate poorly to the roof in which they are set and the listed building as a whole. By way of contrast, the rooflights in No 15's rear offshoot are wider spaced within a more extensive area of roof and appear vertical in emphasis.
11. Although the existing kitchen extension has extensive timberwork in its frontage, the strongly horizontal emphasis of the timber cladding on the extension appears in harmful contrast to the rear elevation of No 17 and, along

¹ Named as Jasmine Cottage, 15, and St John Cottage, 13, St John's Street and Southwood, 17, St John's Street respectively on the National Heritage List description.

with the flat roof elements, it emphasises its greater width and degree of projection. Its deeper plan brings it close to an existing wood shed and tool shed, narrowing the open space within the rear plot. Although the difference is relatively minor, the extension's taller ridge compared to the kitchen extension adds to the awkwardness of the arrangement. The extract from the 1909 Ordnance Survey Map shows a slender rear offshoot but does not depict this widening out in the manner of the extension. What might be termed a contemporary approach in terms of building form or materials may not be prohibited in principle by development plan policies, however in this case the combination of the above aspects have had a harmful effect.

12. Consequently, the development has failed to preserve No 17's special architectural and historic interest and the significance it derives from its composition within the plot. To a much lesser extent these aspects have diminished the significance that Nos 13 and 15 derives from its setting, largely as a result of the slightly more prominent ridge seen over No 15's lower abutting offshoot. Although the appellant advises that the higher ridge where it abuts No 15 has not altered in its dimensions that is not what is shown on the drawings. In the absence of any convincing evidence to the contrary I have based my decision on the situation depicted on the drawings.
13. Due to its situation relative to its surroundings, enclosures and landscape the extension is all but hidden from views within the Conservation Area. Nevertheless, the character of the Conservation Area is not only reliant on visual effects and appearance from public vantage points. It follows that as the special interest of the listed buildings within the Conservation Area would be materially diminished, that the character and appearance of the Conservation Area as a whole would also be similarly incrementally harmed including by the constriction and erosion of the plot arrangement to the rear of No 17.
14. As required by the Act, I have had special regard to the desirability of preserving the listed buildings and their setting. In so doing, and in giving great weight to the designated heritage assets' conservation, the proposal would fail to preserve these attributes and consequently harm their significance. Although the harm to No 17 would be tempered to a degree by the fact that the main part of the house would be physically unaffected, this harm nevertheless carries considerable importance and weight.
15. I have also paid special attention to preserving the character and appearance of the Conservation Area and have also given great weight to this designated heritage asset's conservation. Whilst there is a less marked effect on its appearance given the largely obscured nature of the extension from outside the site, the development does not preserve its character and hence it harms its significance. Again, this heritage harm carries considerable importance and weight.
16. This harm to significance is less than substantial in respect of all three designated heritage assets. These are circumstances where Local Plan Part 2² (LP2) Policy DM1 and the National Planning Policy Framework (the Framework) requires such harm to be balanced against the public benefits of the proposal.

² New Forest District Council Local Development Framework - Local Plan Part 2: Sites and Development Management, New Forest District outside the National Park, 2014.

17. The appellant had clearly spent considerable effort over many years to ensure the repair and preservation of the listed building. However, the evidence falls short in demonstrating that this particular extension has enabled or contributed to those works in any way. Similarly, it has not been convincingly demonstrated that the extension has been essential in maintaining the property in its original use thus retaining a long term continuity of residential accommodation and a mix of uses in the town centre.
18. I note that the appellant does not consider that a building as narrow as the adjacent kitchen or previous building would suit their requirements for a well insulated and flexible live work space, however such personal requirements carry negligible weight in support of the scheme. The principle of using reclaimed materials, provided they have been responsibly sourced, is creditable, but there is insufficient evidence in this case to suggest that this amounts to a public benefit. Overall, the evidence does not show that this particular scheme delivers any public benefits, including securing the optimum viable use of the building, such to outweigh the harm to the significance of the designated heritage assets.
19. Consequently, the development would be contrary to Local Plan Part 1³ Policy ENV3, LP2 Policy DM1 and Neighbourhood Plan⁴ Policies D1 and D3. Together, and amongst other criteria, these require development to have high standards of design, conserve and enhance heritage assets and to recognise the local distinctiveness of Hythe.

Flood risk

20. The flood map provided shows that the site lies within flood zones 1, 2 and 3. No assessment of the implications of this had been provided with the application although in an attempt to address the matter the appellant has subsequently provided a Flood Risk Assessment (FRA). Although given the scale and detail of the map, and how flood zones are depicted on it, the site of the extension itself might be in flood zone 1, considered in the context of the site, how buildings are arranged on it and the potential risk, on the evidence available a site specific FRA is required.
21. The Planning Practice Guidance (PPG) advises that a short and simple assessment is likely to be sufficient in the case of minor developments such as residential extensions. However, bearing in mind the levels it details, the submitted FRA does not adequately demonstrate that the development would be safe for its users, that it would be sufficiently flood resistant and resilient nor that it has avoided the risk of flooding elsewhere. This is because it shows the extension would be flooded in particular scenarios and it relies in part on information relating to a different site. The fact that the main dwelling and much of the area around it would be flooded in similar circumstances does not alleviate the need to demonstrate the PPG's minimum requirements.
22. It has not been convincingly demonstrated that the development is safe for its users, does not increase flood risk elsewhere and is sufficiently flood resistant and resilient. It is therefore contrary to the Framework's requirements in these respects.

³ Local Plan 2016-2036 - Part One: Planning Strategy, New Forest District outside the New Forest National Park, 2020.

⁴ Hythe and Dibden Neighbourhood Development Plan 2018 – 2026.

Conclusion

23. For the above reasons the proposal would fail to preserve the listed No 17, the setting of the adjacent listed building and the character and appearance of the Conservation Area. It has not been adequately demonstrated that the development would avoid the risks of flooding. The development and works area therefore contrary to the Act, the development plan considered as a whole and the Framework. Appeals A and B are therefore dismissed.

Geoff Underwood

INSPECTOR