



Appeal Decision

Site visit made on 8 August 2023

by Robin Buchanan BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2023

Appeal Ref: APP/C1435/W/22/3303196

Harmony House, High Street, Mayfield, East Sussex TN20 6AA

- 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 Robert Legon against the decision of Wealden District Council.
- The application Ref WD/2021/0562/F, dated 17 February 2021, was refused by notice dated 3 May 2022.
- The development proposed was described as 'demolition of garden storage shed & outside toilet & replacement with a storage room to serve main house & erection of a 1 bedroomed cottage to serve as an annexe to Harmony House plus a courtyard garden'.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the Mayfield and Coggins Mill Conservation Area, including the setting of a listed building and whether a heritage asset would be demolished and, if so, is justified; and
 - its effect on the occupiers of adjoining property to the west and north having regard to outlook, natural light, privacy, noise and disturbance, and on the occupiers of adjoining property to the east with regard to outlook and natural light.

Reasons

Mayfield and Coggins Mill Conservation Area (the CA)

3. The appeal site is in the historic centre of Mayfield village, in the CA. The part to be developed (the site) is most of a narrow salient of the garden of Harmony House behind one end of a terrace of four buildings which are a Grade II listed building (the LB) fronting the south side of High Street. Two single-storey buildings would be demolished and replaced by a building with two floors using the roof space. This residential annexe would be for a person(s) employed to serve the domestic or care needs of the appellant and his wife as they grow older and who reside in Harmony House.
4. The significance of most of the north building on the site includes that it is Victorian (circa 1878), single-storey and has a steeply pitched gable end roof over a front room aligned east-west. Additionally, the stretcher bond brickwork with snap headers and segmented arched headers over some metal framed hopper style windows with external pier buttressing is of some innate quality

and detail. It faces onto a narrow shared courtyard passageway behind the LB, accessed along a twitten from High Street. A small part of the front and one side of it can be seen from the pavements on both sides of this road, albeit from a narrow vantage point and glimpsed. It is typical of a small period workshop or store and was in the past used by the shops next to it in the LB.

5. Some structure and fabric of this building is not in good condition or been sufficiently maintained. It has also been altered and repaired, including some modern interventions such as a rear extension toilet block of no significance and unsympathetic concrete blockwork with a shallow monopitch roof over a back room. Nonetheless, it has coherent intrinsic architectural and historic interest which can still clearly be appreciated. In the absence of definitive evidence that it is a curtilage listed building, in my view it is a non-designated heritage asset so it is desirable that it be sustained and enhanced through viable use consistent with its conservation. The modern, mainly timber south building is of no historic or architectural significance and not a heritage asset.
6. The significance of the LB includes that it is 18th century. At the rear this range also has a distinctive cat-slide roof with low eaves level, a vertical two-storey part below a roof terrace and is sited along the north side of the passageway. The significance of this part of the CA includes the LB and other listed and non-listed buildings in it, views between buildings down twittens on the south side of High Street and long linear plots behind at right angles to this road. Some are developed in-depth, such as the large commercial garage buildings to the east of the site or the tall rear wing of the building next to Holders Lane to the west. Others have open courtyards or gardens or smaller ranges or modest ancillary outbuildings dating from the 19th century in the setting of the listed buildings fronting High Street. These pockets of undeveloped or less developed gaps and spaces punctuate the tighter or more extensive arrangement of buildings at the rear. This interplay is distinctive in this part of the CA.
7. The siting, form, spatial and (as was) functional contextual relationship of the main part of the north building to the LB, and that it is in the setting of the LB, therefore makes a positive contribution to the character and appearance of this part of the CA. However, it would be demolished and its significance lost permanently. Though no wider than the existing building, the front part of the proposed building would be appreciably higher to eaves and ridge level with more vertical elevation and much larger roof area. The roof slope would recede away from the back of the LB but the additional bulk of built form would be close to the two-storey part and loom further above the lower cat-slide roof. This would, therefore, erode the visual and spatial extent of this part of the setting of the LB, detract from these intrinsic features of the LB and diminish the way in which it is experienced.
8. The substantial increase in overall scale and massing of built form, with an appreciably different proportion distributed across the site, would infill it with a significantly greater intensity of development, especially the step-up in height to the south against the grain of the lower sloping ground level. It would also be close to existing buildings near the site either side and behind. While not as dominant as those referred to above, or Harmony House, this would nonetheless be at odds with the lower-key, less intrusive impact of the existing buildings on the site, disrupt the existing pattern and sequence of development in this part of the CA and reduce gaps and spaces.

9. The appellant's structural report states that the north building has 'no merit' so incorporating it into the fabric of a modern building would be a 'futile exercise'. But from a planning viewpoint it has innate architectural and historic merit and its importance as a non-designated heritage asset is not dependant on its present deteriorated integrity. There is no specific evidence that it is wholly incapable of repair, beyond reasonable beneficial use or that at least the more intact front pitched roof part could not be converted and extended sympathetically for a residential annexe. There is no outline schedule of works or cost estimates to demonstrate that this would not be feasible in construction or be financially unviable, nor any scheme to show what proportion of the existing building could be salvaged, if any.
10. I find that the proposal would therefore result in the unjustified demolition of a non-designated heritage asset and its replacement by an entirely new building. Both outcomes would have a negative effect on the setting of the LB, so not preserve the setting of the LB. This would also have a negative effect on important qualities of this part of the CA so not preserve or enhance the character or appearance of this part of the CA or the CA overall. As a result, the proposal conflicts with Saved Policy EN19 of the Wealden Local Plan 1998 (the LP) and with Policies SPO2 and WCS14 of the Wealden Core Strategy 2013 (the CS). These policies include that in conservation areas building demolitions will be resisted unless justified. Additionally, development should respect settlement pattern in terms of the character of existing buildings, spaces, scale, height, form and grouping and protect the intrinsic quality of the historic environment¹.

Effect on occupiers of properties

11. Ground floor windows and an upper floor rooflight in the facing (east) side elevation of the rear wing in the building closest to the west of the site could include habitable rooms. Ground floor and upper floor windows in the rear of the LB face the site directly or are off to one side, some closer than others. These windows include 'living areas', though a kitchen is not a habitable room.
12. There is no right to a distant private view from any property but many of these windows, especially ground floor, have an abruptly restricted horizontal or vertical aspect given the tight juxtaposition and orientation of adjoining buildings or walls. Though no closer and with a pitched roof receding away, the overall increased vertical height, scale and massing of the proposed building as it would stretch south down the site (taller than the remnants of a boundary wall) would be overbearing and further restrict views from these windows; additionally, further restrict natural light into the ground floor rooms for a significant part of the day. The roof terrace would not be materially affected in these regards because of its height and largely open aspect in most directions.
13. The upper floor of one of the garage buildings next to the site (the Coach House) is used as 'office space and meeting rooms'. It is not clear if two windows in the facing (west) side elevation of this building are to a separate room or the same room or whether there are other windows in this room(s). The eaves and ridge of the proposed building would extend much higher so restrict some views out of these windows and some natural light received. However, the roof slope would recede away so not prevent elevated views from

¹ The Council also cited CS Policy SPO1 in reason for refusal No.1 in its decision notice but in essence it relates to the countryside so is not relevant.

these windows over or across it or unduly restrict natural light. As such, this room(s) would not be reliant on artificial lighting or be overly oppressive used during the working day.

14. Upper floor high level apex gable windows or rooflights to internal voids would give no view towards any of these adjoining buildings, the courtyard, roof terrace or gardens. The upper floor south facing window would be too distant from any property or the most private, secluded part of any garden to cause undue overlooking. It would more directly overlook a small part of the garden of Harmony House but be acceptable given its intended ancillary purpose.
15. The ground floor of the north end of the proposed building would be in the same position and domestic storage use as this part of the existing building. A condition could ensure it was not used for commercial purposes including as a workshop. There is no evidence that low-key residential use of the building by a person or a couple would generate additional significant noise or disturbance above existing ambient conditions.
16. As a result, I find that the proposal would adversely affect the living conditions of the occupiers of adjoining properties to the west and north, having regard to outlook and natural light, but not privacy or noise or disturbance; and not unduly affect the working conditions of the occupier of the adjoining property to the east, having regard to outlook and natural light. To this extent the proposal conflicts with LP Saved Policies EN27 and HG10 and with CS Policies SPO13 and WCS14. These policies include that development should not cause any significant unacceptable adverse impact on the living amenities or economic conditions of the occupiers of neighbouring properties by reason of scale, height and form.

Other Matters

17. Mayfield, so the site, is within the High Weald Area of Outstanding Natural Beauty (the AONB). The mostly linear arrangement of this historic village along a ridge facing countryside on mainly lower ground to the south is locally distinctive. The proposed building would have a narrow aspect to the south, past the side of Harmony House and towards this panoramic expanse. However, despite the adverse impact of the proposal to this AONB settlement, its village centre location close to buildings either side and behind mean it would not have an adverse effect on the distant landscape and scenic beauty of this part of the AONB, so would conserve the AONB.
18. The site is in a built-up area and part of a garden so by definition is not previously-developed 'brownfield' land². The development applied for in this householder planning application is a residential annexe, ancillary to Harmony House as an extension to the living accommodation of this property. It was considered as such by the Council. Even if, as the appellant suggests, the Council has a shortfall in its 5-year supply of deliverable housing sites there is therefore no separate, independent dwellinghouse in this appeal to contribute to housing supply.
19. It is not the remit of this appeal to reconcile the Council's reasons to permit other development in the CA or at listed buildings, including how it applied conservation area or listed building legislation and planning policy in those

² National Planning Policy Framework (the Framework) Annex 2: Glossary

specific cases; nor to account for the actions of property owners who may not upkeep listed buildings. On the evidence before me the circumstances of those cases are anyway not directly comparable to this case, nor is the example that I have been referred to in Sevenoaks District Council's area. I have determined the appeal on its individual planning merits.

Planning and Heritage Balance

20. The Framework sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Great weight should be given to the conservation of a designated heritage asset, irrespective of the level of harm; moreover, any harm to, or loss of, its significance from its alteration or development within its setting should require clear and convincing justification. The effect of development on a non-designated heritage asset should take account of its significance and the scale of any harm or loss.
21. The proposed building would be acceptable in use and external materials and occupy essentially the same part of the site as the two existing buildings combined. The design would reflect some key details of the form and appearance of the main part of the north building or previous development on the site. These aspects of the proposal therefore have a neutral effect on local character and distinctiveness. The energy efficiency measures would be notable but have a small positive effect on climate change, so are of limited weight. The proposal would meet the personal circumstances of the appellant and his wife for the duration of their occupation of Harmony House but as private benefits have little weight in support of the proposal.
22. Whereas demolition of the main part of the north building would directly result in the permanent total loss of this non-designated heritage asset and its significance, so the scale of harm in this regard would be substantial. Its removal and replacement with the proposed building would each have an indirect negative effect on the setting of the LB and on this part of the CA, so on the CA overall and these localised impacts would cause less than substantial harm. There would be additional harm caused to the living conditions of the existing occupiers of properties to the north and west of the site. While some of the current occupiers did not object, the Framework sets out that well-designed development should achieve a high standard of amenity for existing users so is a significant matter in the wider public interest.
23. In this appeal the proposal would undermine the aims of the Council's relevant development plan policies in these regards, which are broadly consistent with these objectives of the Framework. I consider that the public benefits do not therefore outweigh the harm in this case.

Conclusion

24. The proposal does not accord with the development plan and conflicts with provisions of the Framework. There are no other material considerations to indicate that the decision should not be made otherwise than in accordance with the development plan. Consequently, for the reasons given above the proposal is unacceptable and the appeal does not therefore succeed.

Robin Buchanan

INSPECTOR