



Appeal Decision

Site visit made on 4 July 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2023

Appeal Ref: APP/J2210/Y/22/3296536

Little Grays Farm, North Stream, Marshside CT3 4EL

- 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 Jay James against the decision of Canterbury City Council.
 - The application Ref CA/21/01271, dated 16 May 2021, was refused by notice dated 28 January 2022.
 - The works proposed are described as: 'installation of 2No. conservation rooflights to existing kitchen roof'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property, Little Grays Farm, is a Grade II listed building¹ referred to on the National Heritage List for England as: 'Little Grays, Marshside'.
3. The appeal is against the refusal of listed building consent for works to a listed building in a Conservation Area. I have therefore had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is whether the proposal would preserve the Grade II listed building of Little Grays, Marshside, or any features of special architectural or historic interest which it possesses.

Reasons

Special Interest and Significance

5. Little Grays is a seventeenth century painted brick farmhouse located in a rural setting. The building is a timber framed building that has been refaced. The west (front) elevation was refaced in the nineteenth century with a more ordered arrangement, typical of this period, with a high degree of symmetry including a rusticated ground floor. The east (rear) elevation retains its seventeenth century aspect with three two storey brick gables over a stuccoed base. The building has a distinctive roofscape with steeply pitched, tiled roofs broken only by the numerous tall brick chimney stacks.
6. The kitchen, the part of the building that is subject to this appeal, is located in a single storey hipped roof extension to the south of the building and is

¹ List Entry Number: 1346202.

primarily visible as part of the rear elevation, alongside the triple gables. The extension is understood to have been constructed later, perhaps in the nineteenth century at the time of refacing. If this were the case, the extension would form part of an important phase in the development of the building. It is noted that it is shown on the First Edition Ordnance Survey Maps in its current position. Despite its later addition, the kitchen extension, with its relatively steeply pitched, tiled, hipped roof, prominent chimney and painted brick exterior is nonetheless consistent with the character of Little Grays and contributes to the legibility of its development over time.

7. From the evidence before me, the building's special interest and significance are largely derived from its illustration of a seventeenth century farmhouse which has developed over time. Important contributors in these regards which are pertinent to the appeal, are its surviving historic fabric; use of traditional materials and construction techniques that are typical of the local vernacular; and the key feature of its dominant uninterrupted roofscape.
8. The farmhouse lies within a cluster of buildings, including a linear range of outbuildings perpendicular to the house, and a large detached thatched barn, set further to the north, that is also Grade II listed. The arrangement of these two buildings and other outbuildings, along with the consistency of their construction and materials, illustrate the historic, contextual and functional relationships between them. The special interest and significance of Little Grays is therefore also derived from its value as a pair of associated Grade II listed buildings comprising a former farmstead.

Appeal Proposal and Effects

9. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 advises that any such harm, including less than substantial harm, should have clear and convincing justification.
10. The appeal proposal would involve the insertion of two 550mm x 980mm rooflights within the south facing roofslope of the hipped roof. The submission is lacking in detail in that no large scale drawings or sections of the proposed rooflights have been provided. This limits my ability to make an informed and meaningful assessment of the works.
11. Nonetheless, the two rooflights would comprise a sizeable intervention on this roofslope occupying a substantial portion of its area. This in turn would result in the loss of a reasonably large number of traditional tiles and introduce voids, to the detriment of the unbroken character of the roof. This would be particularly harmful given the importance of the unbroken, steeply pitched tiled roofs to the significance of the building.
12. The submitted evidence does not outline how the rooflights would be installed, including whether there would be any loss of historic fabric or how they would be positioned in relation to existing rafters or purlins. As such, based on the information before me, it is reasonable to conclude, on the balance of probability, that historic fabric in the form of plaster, and parts of some of the roof timbers would be lost in order to carry out the works to install the rooflights.

13. The appellant sets out that the rooflights would only be visible internally. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views, or indeed private views, of the exterior of the building can be gained.
14. Notwithstanding the above, my impressions on site were that the rooflights would be visible from the passageway between the extension and the linear outbuilding, particularly from the steps that are present here. They are also likely to be glimpsed looking back towards the extension roof from the garden to the front of the farmhouse. In these views, the effect of the rooflights on the unbroken nature of the roof and significance of the building would be apparent.
15. Internally, the existing kitchen ceiling is relatively steeply sloping, evidencing the hipped nature and steep pitch of the roof. I have little detail with regard to the internal treatment of the rooflights, however, given their scale, in all likelihood, they would stand out as significant intrusions into the currently unbroken ceiling.
16. That the rooflights would be installed on a more recently constructed part of the building is not justification for the identified harm. Indeed, if the extension were constructed as part of the nineteenth century refacing, as suggested, this is a key phase in the development of the building. Nevertheless, the extension contributes to the evidential value of the asset and the legibility of its development over time. Moreover, its architectural style and materials are consistent with those on the main building.
17. I accept that the works are relatively minor, however, as set out above, they would, in a small yet appreciable way, fail to preserve the Grade II listed building of Little Grays or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of section 16(2) of the Act. For the same reasons the proposal would cause harm to the significance of this designated heritage asset.

Public Benefits and Balance

18. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Having regard to the scale and location of the works, I find that the harm in this instance is 'less than substantial' in terms of the Framework but, nevertheless, of considerable importance and weight. Under such circumstances, paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
19. The appellant considers that an increase in internal light levels, as would arise from the proposal, constitutes a public benefit. The kitchen is already served by two windows and a doorway and the existing light levels here are not overwhelmingly low. Consequently, the identified harm has not been clearly and convincingly justified.
20. The property is in a good state of repair and functioning as a dwellinghouse. In that regard, there is no evidence that the rooflights would help to maintain the optimum viable use of the building. There would be minor economic benefits associated with the installation of the rooflights. However, cumulatively, the

sum of public benefits do not outweigh the considerable importance and weight that even less than substantial harm to a designated heritage asset carries.

21. The appellant has said that the proposed intervention is fully and easily reversible in future if required. However, to my mind, it is unlikely that such a change would be reversed in the future and nevertheless, even if it were reversed in the future, the installation would still have resulted in the permanent loss of historic fabric.
22. Given that it is the building itself, with its own individual character that is recognised for its special interest, the presence of rooflights on different unrelated rural buildings with likely different histories to the appeal property, is not justification for a rooflight on this building, which has none.
23. The works would not preserve the Grade II listed building of Little Grays or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of section 16(2) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.
24. Listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004. Consequently, they do not need to be determined in accordance with the development plan, although relevant provisions can nevertheless be material considerations. In this respect, I note that the proposal would conflict with Policies HE1, HE4 and HE5 of the Canterbury Local Plan (2017) (the Local Plan) which together seek to provide a high standard of design that conserves and enhances heritage assets and safeguards the historic environment and local distinctiveness.

Other Matters

25. The site is within the Chislet Marshside Conservation Area (the CA). The CA comprises scattered buildings and farmsteads along the route of the watercourse, North Stream, set within an agricultural landscape. As a relatively imposing and distinctive seventeenth century building, Little Grays makes an important contribution to the character and appearance and thus the special interest and significance of the CA, being visible over the boundary hedge and gates. However, given that the works would likely be screened from public view by the cluster of outbuildings around the appeal site and, taking into account the distance from the road, I am satisfied that the proposal would preserve the character and appearance of the CA as a whole, as required by the Act. Additionally, it would not conflict with Policies HE1 and HE6 of the Local Plan insofar as they require new development to preserve or enhance conservation areas.
26. Nevertheless, the effect on the CA weighs neither for nor against the appeal and does not alter my conclusions on the main issue.
27. The appellant has referred to discussions with the Council over alternative locations for the proposed rooflights. However, my role is to consider the proposal before me and not to pre-determine future proposals. I therefore cannot consider this matter any further.

Conclusion

28. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR