The Planning Inspectorate

Appeal Decision

Site visit made on 29 August 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05.10.2023

Appeal Ref: APP/T2215/D/23/3322270
Yew Tree Barn, Brakefield Road, Southfleet, Kent DA13 9PY

- 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 Trevett against the decision of Dartford Borough Council.
- The application Ref DA/23/00230/FUL, dated 28 February 2023 was refused by notice dated 15 April 2023.
- The development proposed is described as loft conversion to habitable accommodation including alterations to the roof.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council confirms that the emerging Local Plan is well advanced and it provides a list of policies that they consider are consistent with the National Planning Policy Framework (2023) (the Framework) and lack unresolved soundness objections. However, with the exception of Policy M5 and M11 these are not policies listed on the decision notice. I therefore afford moderate weight to Policy M5 and M11 and limited weight to the other relevant policies from the Dartford Local Plan to 2037 Pre-Submission (Publication) Document (September 2021) (Pre-Submission Local Plan) in my decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the Red Street Conservation Area (the CA) and on the setting of the nearby listed building, Red Street House.

Reasons

4. The appeal site is located adjacent to the Red Street Conservation Area and Red Street House, a two storey, Grade II Listed Building (the LB). These are the heritage assets relating to this appeal.

5. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications.

6. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.

7. Paragraph 200 of the Framework requires new development within the setting of heritage assets to enhance or better reveal their significance. The Framework defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced."

8. The appeal property is a two storey detached dwelling, with a hipped roof which is visible from views within the CA immediately to the north.

9. The character of this part of the CA and its significance stems from the age, architectural quality and positive contribution of the listed buildings within it such as Red Street House and the contrast of these with the non-listed domestic buildings. The CA also has a pleasant rural character and landscape, with views into open countryside. The Council's Conservation Area Appraisal (1998) also identifies that most properties are constructed with traditional materials, and that architectural forms are traditional with pitched, plain tiled roofs, and natural brickwork with small openings for doors and windows.

10. The LB dates from the seventeenth century or earlier, and is a timber framed building faced with plaster, on a red brick base with a 'half hipped' tiled roof. The building has historic and aesthetic value. It's vernacular form, character and detailing further contribute to its significance.

11. Whilst the appeal property does not respond to the local character of the CA, its simple massing forms a different character and therefore provides a clearly defined boundary to the CA.

12. When viewed from Red Street, the appeal property, and particularly its rear roof form, are visible immediately to the rear of the LB. The rear dormer would be expansive, spanning much of the width of the rear roof plane. It would create a bulky addition which would take up a significant proportion of the roof slope. As a result, the rear dormer would be an out of proportion and dominant form of development.

13. The dormer's roof form would feature 'barn end hips'. Whilst there are examples of other properties with similar roof forms in the area, these are generally found on the principal roof form, rather than dormer additions.

14. There is a large, single storey outbuilding between the LB and the appeal site. However, as the proposed rear dormer would be elevated at roof level, the neighbouring outbuilding would not screen views of it from Red Street, and it would be very visible in views of the LB from the north.

15. Whilst I appreciate that the surroundings to the appeal site have been altered over time, the siting and scale of the rear dormer, and its significant projection from the roof plane would result in a looming feature to the rear of the LB. This would be particularly apparent from public viewpoints on Red Street, and would cause harm to the setting of the LB.

16. Chimneys are a characteristic feature which are present on many properties both within and outside the CA. Accordingly, the removal of the chimney from the appeal property would be harmful to the character and appearance of the area.

17. The increase to the height of the property's principal roof and the introduction of the 'barn end hips' would increase the scale and massing of the property's roof form. However, given there are other nearby examples of similar roof

forms, including at the adjoining LB, this would not be an uncharacteristic feature.

18. The front dormer windows would be significantly smaller and less prominent than the rear dormer. They would be well proportioned, with characteristic pitched roofs, and would not cause harm to the setting of the LB or CA.

19. Whilst I have not identified any harm with regard to the use of materials, the proximity of the proposed rear dormer, its overall scale and massing, combined with the loss of the chimney, would result in less than substantial harm to the setting of the LB. It would also harm the setting of the CA.

20. My attention has been drawn to examples of extensions and developments to, or near to, listed buildings within the local area. However, from the limited information that has been provided, none of these examples appear to relate to dormer window extensions, and they are not therefore directly comparable. In any event, each case must be considered on its own merits.

21. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given that the proposal would be of a relatively small scale, I find the harm to the setting of the LB and the CA to be less than substantial in this instance but nevertheless of considerable importance and weight.

22. Under such circumstances, paragraph 201 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant submits that the proposal would result in the modernisation of the property, enabling enlarged accommodation. However, these are private benefits. Therefore, I have identified no public benefit sufficient to outweigh the harm.

23. The proposal would, therefore, fail to preserve or enhance the setting, and thereby the significance of, the designated heritage asset of the Grade II Listed Building. It would also harm the setting of the CA and would not accord with the policies of the Framework which seek to conserve and enhance the historic environment. It would be contrary to Policies DP2, DP7, DP12 and DP13 of the Dartford Development Policies Plan (2017). Collectively, these policies prioritise the conservation of heritage assets when considering the overall impact of development proposals upon their significance and importance whilst requiring that developments respect their context.

24. The proposal would also be contrary to the design and heritage asset requirements of Policies M1, M5, M6 and M11 of the Pre-Submission Local Plan, which follow a similar approach to the adopted development plan, in this respect.

Conclusion

25. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR