



Appeal Decisions

Site visit made on 7 November 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2023

Appeal A Ref: APP/H2265/W/23/3319483

Teston Cottage, Teston Road, Offham, West Mailing, Kent ME19 5NG

- 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 and Mrs Leigh against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/22/02218/FL, dated 12 October 2022, was refused by notice dated 24 November 2022.
 - The development proposed is described on the application form as 'creation of loft bedroom to new roof over existing kitchen, new traditional dormer to garden side, new flat roof to extend over existing utility forming distinct separation between historic front house and new rear extension.'
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Appeal B Ref: APP/H2265/Y/23/3315848

Teston Cottage, Teston Road, Offham, West Mailing, Kent ME19 5NG

- 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 and Mrs Leigh against the decision of Tonbridge and Malling Borough Council.
 - The application Ref M/22/02219/LB, dated 12 October 2022, was refused by notice dated 24 November 2022.
 - The works proposed are described on the application form as 'creation of loft bedroom to new roof over existing kitchen, new traditional dormer to garden side, new flat roof to extend over existing utility forming distinct separation between historic front house and new rear extension.'
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Decision

1. Appeals A and B are dismissed.

Preliminary Matters

2. Both Appeals A and B concern the same scheme under different, complementary legislation. To avoid duplication, I have dealt with both appeals together in my reasoning.
3. Both appeals relate to development and works to a listed building located within a conservation area. In this respect I have had special regard to the requirements of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is whether the development and works would preserve the Grade II listed building, Teston Cottage, or any features of special architectural or historic interest which it possesses, and the extent to which the proposal

would preserve or enhance the character or appearance of Offham Conservation Area.

Reasons

Special interest and significance

Listed Building

5. The appeal site comprises a dwelling known as Teston Cottage. It is a Grade II listed building¹ with early 16th century origins. It is finished in red brick (painted to the rear) with a hipped tiled roof over.
6. A number of changes have occurred to the rear of the appeal building over time, including its extension. Nevertheless, that later extension does not overtly detract from or diminish the listed building's intrinsic heritage merit.
7. Based on the evidence before me, I find that the listed building's special interest and significance is primarily associated with its architectural and historic interest as an illustration of a 16th century timber framed vernacular house, together with its value as part of a group. Important contributors in these regards, which are pertinent to the appeals, are the use of traditional construction techniques and materials and the legibility of the historic core.

Conservation Area

8. The appeal property is located within the Offham Conservation Area (CA).
9. The special interest and significance of the CA is largely derived from the preservation of its historic street layout and picturesque townscape, with largely domestic (often listed) buildings fronting onto a central lane, all within a wider rural setting. Consistent building materials of stone, brick and tile dominate the village and CA. The appeal property, as a prominent brick and tile house, with a stone and brick boundary wall and landscaped front garden, positively contributes to the character and appearance of the CA and thereby to its significance as a designated heritage asset.

Appeal proposal and effects

Listed building

10. The proposal would involve the demolition of part of the existing extension to the rear and its replacement with a larger extension, mainly involving alterations to the roof profile.
11. I note from the evidence before me, and my observations on site, that the established extension has introduced an element which projects forward of the building's historic rear elevation. Whilst I accept that this later element is somewhat at odds with the historic core of the building, and to some extent interrupts views of the rear elevation, that core nonetheless remains largely intact and legible. The proposed extension, whilst remaining subservient to the appeal property and of the same footprint as the existing extension, would compromise the legibility of the historic core.
12. A simplified flat roof link would be provided with the aim of purposefully separating the bulk of the extension from the main house. I acknowledge that

¹ List Entry Number: 1236088

this may provide an improved, albeit limited, appreciation of the historic rear elevation at close range. However, the overall increased height of the pitched roof would obscure a greater part of the historic rear elevation than is currently the case when viewed more generally, including from the south along Tower Hill. Notwithstanding that this lane is less travelled, it is nonetheless a public route and the proposal would affect how the listed building is appreciated. That the proposal would not affect the front elevation would not compensate for the identified harm or sufficiently justify the proposal.

13. Moreover, while I accept that the proposed materials would broadly assimilate to the existing dwelling, the inclusion of a large window in the south roof slope, with a vertical emphasis, would form a jarring addition which would be at odds with the more modest fenestration of the main house.
14. The proposal, taken as a whole, would compete with the primacy of the historic core. In doing so, the proposal would harmfully erode the historic and architectural integrity of the listed building and would not conserve it in a manner appropriate to its significance.
15. I acknowledge that the appellant has worked to amend the scheme following officer advice, including in respect of the junction of the extension with the historic part of the house in the form of a flat roof element. However, this has not led me to an alternative conclusion on this main issue.
16. I accept that the proposal would not result in the loss of any historic fabric, other than to the more contemporary extension. Whilst this may be the case, it would not lessen the harm to the listed building overall.
17. Overall, I conclude that the proposed development and works would fail to preserve the Grade II listed building, Teston Cottage, or any features of special architectural or historic interest which it possesses, contrary to the requirements of sections 16(2) and 66(1) of the Act. Consequently, the proposals would harm the significance of this designated heritage asset.

Conservation Area

18. Notwithstanding the harm that has been identified above in respect of the listed building, the position, nature and extent of the proposals are such that they would, when viewed from the public realm, appear as relatively modest in the streetscene. Unlike listed buildings, the significance of a CA is, in part, dependent upon how it is experienced. For the reasons above, I consider that the proposals would have a neutral effect on, and would therefore preserve, the character and appearance of the CA as a whole.
19. Accordingly, I conclude that the proposal would preserve the character and appearance of the CA and would meet the requirements of Section 72(1) of the Act. As such, it would not harm the significance of this designated heritage asset. Nevertheless, the lack of harm in this respect does not weigh for or against the appeals and does not alter my conclusion in respect of the listed building.

Public benefits and balance

20. 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 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.

21. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the development and works relative to the building as a whole, I find the harm to the listed building's significance would be 'less than substantial' in this instance 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, which includes securing the asset's optimum viable use.
22. Economic benefits would be brought about through the construction phase and the general investment into the property. However, the scale of those benefits is short-term and very limited by the extent and nature of the proposal. The primary outcomes of the proposed development and works, namely the additional accommodation, would be a private benefit to the appellant that does not provide clear and convincing justification for the identified harm to the building's significance and thus for allowing the appeals.
23. I am not persuaded by the argument put forward that the scheme before me is fundamentally necessary to secure the optimum viable use of the building, including in respect of working from home. No substantive evidence has been put before me which verifies that the property would not be useable or viable as a dwelling or that its conservation as a designated heritage asset would be at risk if the appeals were to fail and the proposal, as submitted, was not implemented.
24. Overall, the weight that I ascribe to the public benefits that would accrue from the proposal, is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. Accordingly, the proposal would fail to preserve the Grade II listed building, Teston Cottage, or any features of special architectural or historic interest which it possesses. Although I have found the proposal would preserve the character and appearance of the CA, this is a neutral consideration in the balance.
25. Overall, the proposal would be contrary to the clear expectations of Sections 16(2) and 66(1) of the Act, and the provisions within the Framework which seek to conserve and enhance the historic environment.

Other Matters

26. The appeal site is located within the wider surroundings of two Grade II listed buildings, Offham House and Postern House. Mindful of the statutory duty set out in s66(1) of the Act, I have had special regard to the desirability of preserving their settings. The historic built backdrop and verdant surroundings of these buildings, of which the appeal site forms part, positively contribute to their significance. Nevertheless, given the location and extent of the proposed development, I consider that it would preserve the settings of these listed buildings and the contribution they make to their significance. I note the Council had no concerns in this regard either.

27. I accept that no objections have been received, including from the Parish Council, and letters of support have been provided. However, this has not led me to an alternative conclusion on the main issue.
28. I also appreciate the frustration of the appellant in communication with officers and that they have spent time, and no doubt money, amending the scheme in response to pre-application processes. Nevertheless, I have reviewed the information before me, including the appellant's supporting statements and CGIs, and I have assessed the appeals on that basis. In any case, pre-application advice would not be determinative in these appeals. There are no matters before me which lead me to an alternative conclusion on the main issues.
29. The appellant has brought to my attention the recent development/works at Kingscot, to the south of the appeal site. Although closely located to one another, the cases are, fundamentally, situated on different sites, related to different types of development and are not directly comparable. Moreover, from the limited information before me, it is apparent that the Council found heritage and public benefits in that case. This is not the case here. I have considered the current appeals on their own individual circumstances and planning balance.

Conclusion

30. For the reasons given above, Appeals A and B are dismissed.

A Price

INSPECTOR