



Appeal Decision

Site visit made on 16 November 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/U2235/Y/22/3312099

7 Rumwood Court, Sutton Road, Langley, Maidstone, Kent ME17 3NN

- 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 H Murphy against the decision of Maidstone Borough Council.
 - The application Ref 22/502563/LBC, dated 18 May 2022, was refused by notice dated 14 October 2022.
 - The works proposed are described on the application form as 'the new owner wishes to remove some of the walls and amend the floor plans, with the addition of roof dormers in the same style and size as existing.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of works above, which is taken from the application form, it is clear from the plans and accompanying details that the proposed works comprise internal alterations to provide new layouts to first and second floors and the addition of 2 side dormers to the second floor. The Council dealt with the proposal on this basis and so shall I.
3. Although not clearly referenced within the submitted documentation, I note that a further window is illustrated on the plans, proposed in the projecting gable of the south elevation. I have taken this into consideration in making my decision.
4. Since the appeal was lodged, a revised version of the National Planning Policy Framework (the Framework) was published (19 December 2023). This does not materially change the planning policy context in respect of the main issue.
5. The appeal relates to works to a listed building. In this respect I have had special regard to the requirements of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

6. The main issue is whether the proposed works would preserve the Grade II listed building, Rumwood Court, or any features of special architectural or historic interest that it possesses.

Reasons

Special interest and significance

7. The appeal property is set within a large, landscaped garden plot. It is a Grade II listed building¹, originating from 1599, with additions of 1896 and alterations of the 20th century. The building is part timber framed with plaster and brick infilling, with a plain tile roof over. It features jettied first floor elements and finely carved timber detailing. The interior of the building was considerably altered when the residential conversion occurred during the 1970s, including the subdivision of the building into several discrete apartments. The works are proposed to the modern-day Apartment 7. Apartment 7 is located within the 1890s phase of the building.
8. Based on the evidence before me, the listed building's special interest and significance is largely derived from its historic and architectural interests. Important contributors in these regards, which are pertinent to the appeal, are the use of traditional construction techniques and materials, surviving historic fabric, the legibility of the building's historic plan form and the discernibility of its historic internal hierarchy of floors and rooms.

Appeal proposal and effects

Windows

9. The existing south-facing roof slope is interrupted only by historic projecting gable features and two existing dormer windows. One of these dormers is discreetly located behind the large chimney stack. The roof slope here is otherwise intact. Whilst I acknowledge the appellant's attention to the detailed design of the proposed dormers, which are of a relatively limited scale and of matching materials, the proposed installations would nevertheless be highly visible, disrupting and cluttering this predominantly unaltered roof slope, detracting from the listed building. I consider the window proposed within the projecting element would further disrupt and clutter the south elevation.
10. I accept that other existing flat roof dormers exist across the building's wider roof slope, including in the west elevation. However, as set out above, the south-facing roof slope is largely unaltered, and the existence of those other dormer windows does not mean that any future additions should be found acceptable where harm has been identified.
11. Turning to the historic fabric, a small area of historic fabric would be removed in order to insert the windows. Despite the limited extent of interventions to that fabric, I have insufficient information before me to demonstrate its age, or to fully understand the effects/extent of any harm as a result of its removal. Even if the removal of that historic fabric was found to be acceptable, this would not overcome the harm identified above.

Internal alterations

12. A series of internal alterations are proposed, in particular the removal of the perimeter partition walls 'that restrict access into the lower-level eaves spaces...' at second floor level. This is in addition to the infilling and expansion of door openings on the first floor, together with the removal of the majority of

¹ List Entry Number: 1060892

a chimney breast, the installation of a new central heating system and improved insulation.

13. The submitted heritage statement sets out that many alterations to Apartment 7 were likely to have been made during the 1970s, in connection with the use of the property as a maternity home. It concludes that the internal features in this part of the building are all post-1896, would not affect the 16th century part of the building, and are of limited or negligible interest. This is despite also making reference to various 19th century features within Apartment 7. Whilst it is evident that some more modern interventions have occurred at Apartment 7 over time, I have insufficient information before me to demonstrate the age of those affected features, or to fully understand the effects or extent of any harm resulting from the removal and replacement of the affected features.
14. Without clarification, it is not possible to satisfactorily demonstrate that the proposed irreversible internal alterations would preserve the special interest of the listed building and not cause harm to its significance.
15. I accept that the kitchen and bathroom fittings are modern, and their removal and replacement is not objectionable. I also accept the appellant's argument that the principle of extending or altering a listed building is not objected to. Nevertheless, the appellant's argument that the existing partition walls and areas of infilling are 'likely' to date from the 1970s onwards does not provide me with sufficient certainty. I note the reference to a 1930s auction catalogue that the first and second floors of the modern-day Apartment 7 consisted of bedrooms and bedroom suites. However, this detail is not before me.
16. Moreover, no substantive detail of the structural interventions required in relation to the removal of the chimney breast has been provided. Nor is there any substantive information before me in respect of the proposed insulation or central heating system, including the route or form of any associated flues or pipework which would, in all likelihood, be required.
17. Even if the removal of the historic fabric within Apartment 7 was found to be acceptable, the proposed removal of perimeter partition walls on the second floor would compromise the legibility and integrity of the attic space. This would weaken the traditional hierarchy of spaces within the listed building and undermine its historic plan form.
18. Overall, I conclude that the proposed works would fail to preserve the Grade II listed building, Rumwood Court, or any features of special architectural or historic interest which it possesses, contrary to the requirements of section 16(2) of the Act. Consequently, the proposal would harm the significance of this designated heritage asset.

Public benefits and balance

19. Paragraph 205 of 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 206 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.
20. With reference to Paragraphs 207 and 208 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 works relative to the building as a whole, I find the harm to the listed building would be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.

21. 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 works, namely the alteration and reconfiguration of the building, which may result in improved circulation and daylight levels, would be private benefits to the appellant that do not provide clear and convincing justification for allowing the appeal.
22. I note the comments in respect of the reconfiguration of the apartment and perimeter wall works acting to reveal original features and maintaining them. The appellant argues that this is a benefit. However, there is no substantive evidence before me to demonstrate that this process would uncover any original features. Even if this were the case, the traditional hierarchy of spaces within the building would be compromised as a result of these works, and historic fabric may be harmed or lost. Therefore, this does not weigh in favour of the appeal.
23. Conservation is an active process of managing change to heritage assets in ways that sustain, reveal or reinforce their heritage interests. I note the limited head height within parts of the second floor and the limitations that this brings to its usability. However, I am not persuaded that the scheme before me is fundamentally necessary to secure the optimum viable use of the building, which provides reasonable levels of residential accommodation across the first and second floors. Moreover, no substantive evidence has been put before me which verifies that the property would not be useable or viable as a dwelling now or in the future, or that its conservation as a designated heritage asset would be at risk, if the appeal was 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 proposed works would fail to preserve the Grade II listed building, Rumwood Court, or any features of special architectural or historic interest which it possesses, contrary to the requirements of section 16(2) of the Act, Policies DM4 and SP18 of the Maidstone Local Plan (2017) and the relevant provisions within the Framework, which, taken as a whole, seek to conserve and enhance the historic environment.

Other Matters

25. I note that the Parish Council made no comment on the proposed works. However, a lack of objection does not weigh in favour of allowing the appeal.

Conclusion

26. For the reasons given above, having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR