



Appeal Decision

Site visit made on 23 January 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2024

Appeal Ref: APP/U1430/D/23/3323675

Hillcrest, 1 Forge Lane, Staplecross, East Sussex TN32 5QE

- 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 J Greenman against the decision of Rother District Council.
 - The application Ref RR/2023/114/P, dated 13 January 2023, was refused by notice dated 14 March 2023.
 - The development proposed is described as 'provision of an extension to the first-floor and a porch to the ground floor'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form. I note that it has been expressed differently on the Council's decision notice and appeal form but neither main party has provided written confirmation that a revised description was agreed. I have therefore used the original description.
3. In November 2023, Areas of Outstanding Natural Beauty ('AONBs') were renamed 'National Landscapes', and the High Weald AONB within which the appeal site is located became known as the High Weald National Landscape ('the HWNL'). The legal and policy status of AONBs is unchanged, but I have therefore referred to the HWNL in my decision.
4. The effect of the proposal on the landscape character and appearance of the area did not form a reason for refusal. However, the Council's officer report on the application is clear in raising concerns about the effect of the proposal on the character and appearance of the area and HWNL. The appellant's evidence refers to these concerns and sets out a response. I am therefore satisfied that my consideration of this matter would not cause prejudice to any party.
5. The appeal dwelling adjoins Kent Cottage which is part of a grade II listed building named 'Kent Cottage The Old Bakery The Polhills' ('the Listed Building').
6. Under section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'), a listed building includes (a) any object or structure fixed to the building, and (b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948.
7. However, the courts have held that the word 'structure' in S1(5) means a structure which is subordinate or ancillary to the listed building. Hillcrest is of

more modest scale than Kent Cottage which is itself part of the Listed Building. However, it is in separate residential use and the historic mapping included in the appellant's evidence suggests that it has been a separately named property for some time and since at least 1970 which predates the listing of the building in 1987. In my view, it could not reasonably be described as ancillary or subordinate to Kent Cottage such that it would be listed by virtue of S1(5)(a). Furthermore, the depiction of Hillcrest on the 1970 map suggests separate residential use and that the physical layout comprised two distinct dwellings at that time. While Hillcrest may historically have been part of Kent Cottage, it appears that it was not within the curtilage of the Listed Building at the time of the listing. The listing does not refer to Hillcrest in the statutory addresses, and details the Listed Building as 'three C18 cottages'.

8. The information before me refers to an application for listed building consent that was submitted alongside the planning application. However, there is no appeal before me in relation to the listed building consent, and the appellant's appeal statement includes a comment that Hillcrest is not a listed building. On the basis of the evidence that is currently before me in this appeal, I consider having regard to the above factors that Hillcrest would not be treated as part of the Listed Building. That said, it undoubtedly forms part of the immediate setting of the Listed Building.
9. Furthermore, I note that the Council indicated on the appeal questionnaire that the proposed development would affect the setting of a listed building, but that it does not involve the demolition, alteration or extension of a listed building. This supports my view above and I have considered the appeal accordingly.
10. In doing so, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').

Main Issues

11. The main issues are:

- i) the effect of the proposal on the character and appearance of the appeal dwelling and the significance of the Listed Building 'Kent Cottage The Old Bakery The Polhills';
- ii) the effect of the proposal on the landscape character and appearance of the area; and
- iii) the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings in respect of light and outlook.

Reasons

Character, Appearance and Listed Building

12. Kent Cottage, The Old Bakery (known as Old Bakery) and The Polhills (now known as Lealands) comprise a terrace of three two-storey cottages which the listing description identifies date to the 18th century. Despite some differences including in the detailing of windows and a porch to Kent Cottage, the half-hipped tiled roof with brick coggling eaves and a white painted brick exterior with a continuous string course give the cottages a unified character.
13. Hillcrest sits on a different orientation to the rear of the Listed Building. The appellant's Heritage Statement suggests that it dates to 1800-1870, and the main two-storey part of the dwelling is a two-bay structure which is clearly of

some age, including a half-hip tiled roof, large chimney stack, low floor to ceiling heights and visible timber framing internally. Furthest from Kent Cottage, the dwelling includes a single-storey section with a catslide roof. I have little substantive evidence to reach a firm view on whether Hillcrest was formerly an annex to Kent Cottage as the Council suggests. In any event, the lower height and set back of Hillcrest together with its compact proportions, plainer detailing and modest fenestration provide for a clear impression of subservience to Kent Cottage while the external materials and features such as the roof form and catslide roof are typical of the area.

14. Given the above, I find the special interest of the Listed Building, insofar as it relates to this appeal, to be primarily associated with the architectural and historic interest of the building as a cohesive terrace of cottages, the use of vernacular detailing and materials and the integrity of its form and proportions.
15. The vernacular detailing and materials and modest proportions of Hillcrest also add much to the character and appearance of this dwelling, and it has a very close relationship with the Listed Building. I have little information to be able to consider any historic or evidential value that may derive from historical associations between the buildings and the development of the sites over time. However, the deferential scale and architecture of Hillcrest undoubtedly give prominence to Kent Cottage. The resulting hierarchy and the legibility of the relationship contributes to the special interest and significance of the Listed Building, which includes Kent Cottage, as part of its immediate setting.
16. The proposal includes a first-floor extension over the single-storey catslide section of the dwelling. This would be of modest width, but would still result in an appreciable increase in the bulk and mass of the upper part of the dwelling. Moreover, the proposal would continue the existing roof form and would essentially alter Hillcrest from a two-bay to a three-bay dwelling. Despite the use of matching materials and roof design, these factors would notably erode the appearance of Hillcrest as a modest cottage. Together with the greater scale of the building, there would be a pronounced reduction in the impression of it as a subordinate feature to Kent Cottage and the wider terrace and I find that the historic elevational hierarchy would be harmfully disrupted.
17. The proposed porch would again be of relatively modest scale and matching materials, but it would nevertheless further erode the simple form and modest character of Hillcrest. Moreover, the angle of its roof would be markedly shallower than the main roof and I consider that it would appear wide relative to its height. The result would be an uncharacteristically squat feature that would sit awkwardly against the proportions of the host dwelling. Irrespective of the nearby porch to Kent Cottage, I cannot therefore agree with the appellant that the porch would be of traditional appearance. Instead, it would be a discordant feature that would detract from the character and appearance of Hillcrest and that would increase visual competition with the Listed Building.
18. In addition, four rooflights are proposed to the rear roofslope. Although these would be 'conservation' style, the glazing would be somewhat unusual against the predominantly solid roofslopes of the host dwelling and Listed Building. In my assessment, their spread and number would result in an unduly cluttered roofslope that would erode the existing simplicity and subservient quality of Hillcrest and harmfully distract from the Listed Building.

19. Listed buildings are safeguarded for their inherent architectural and historic interest which is not dependent upon the availability of public views. Although public views of the rooflights are unlikely, they would be visible from surrounding properties, including those part of the Listed Building. Based on my observations, the porch and extension would also be clear in views from Forge Lane and a short section of Northiam Road to the south of the junction with Bodiam Road that would include parts of the Listed Building.
20. In combination, I find that the extension, porch and rooflights result in a discordant and unsympathetic development that relates poorly to the host building causing harm to its character, appearance and identity as a modest cottage. The proposal would also erode the hierarchy and legibility of the relationship between Hillcrest and Kent Cottage and would distract and draw focus from the Listed Building. As a result, there would be harm to the significance of the Listed Building as a designated heritage asset through development in its setting.
21. The National Planning Policy Framework ('the Framework') advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
22. Having regard to the nature and extent of the development, I find that the degree of harm to the Listed Building through development in its setting would be less than substantial. Nevertheless, this harm attracts considerable importance and weight.
23. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal.
24. The extension would provide additional living space for occupiers of Hillcrest, rearrangement of the internal layout and additional sources of natural light. The appellant refers to the existing layout as cramped and poor flowing and indicates that the dwelling falls some way below minimum internal space standards set out in the Nationally Described Space Standards ('the NDSS') and has only limited external space. However, the NDSS relate to new dwellings that are being created and there is no firm evidence before me demonstrating that the currently available space and layout would preclude the continued viable use of the appeal property as a residential dwelling. Accordingly, while I am sympathetic to the appellant's desire to improve the layout and accommodation available, this is essentially a private benefit.
25. The appellant comments that the dwelling suffers poor heat retention and indicates a desire to improve its thermal performance and energy efficiency. They suggest that there would be a large carbon reduction to the existing property. However, while the new development proposed may be undertaken within a 'fabric first' approach to ensure air tight fabric and maximise thermal efficiency, firm details of improvements to the remainder of the existing building are not outlined as part of the current proposal. Nor is there firm information demonstrating that such improvements would be secured by or are dependent on the appeal scheme, or the extent of any carbon reductions. The weight that I give to this as a public benefit is therefore limited.

26. I find that the limited public benefits of the proposal would not outweigh the considerable importance and weight that must be given to the harm that I have identified would be caused to the Listed Building. Nor would they outweigh the harm that would be caused to the character and appearance of Hillcrest.
27. My attention has been drawn to uPVC windows to Lealands. However, I do not know the full circumstances behind these windows. In any event, they are not a compelling justification to allow a proposal that would cause further harm to the significance of the Listed Building.
28. Given the above and in the absence of any defined significant public benefit, I conclude that the proposal would harm the significance of 'Kent Cottage The Old Bakery The Polhills', thus failing to satisfy the requirements of the Act and the Framework. There would also be harm to the character and appearance of Hillcrest. The proposal would be contrary to Policies EN2 and RA1 of the Rother Local Plan Core Strategy 2014 ('the CS') and Policy DHG9 of the Development and Site Allocations Local Plan 2019 ('the DASA') which include requirements broadly for proposals to protect locally distinctive character and respect the character, qualities, legibility and form of historic buildings.

Landscape Character and Appearance

29. The appeal site is located within the built up part of Staplecross rather than open countryside which makes up much of the HWNL. Nevertheless, the traditional form, style, detailing and materials of many of the buildings here, including the appeal property and Listed Building, make a positive contribution to the character and appearance of the area and add to the distinctiveness of the HWNL as part of its built landscape.
30. The overall size of the dwelling would not be out of keeping with others nearby such that its scale would in itself be visually dominating in the street scene. However, despite the use of matching materials and detailing and the small overall scale of the extension and porch, I have found above that there would be harm to the character and quality of the appeal building and the significance of the Listed Building. Accordingly, the proposal would not reinforce existing character. To the contrary, it would harmfully erode the contribution that the site currently makes to the distinctive character and appearance of the area and HWNL in views from Forge Lane and Northiam Road.
31. The visual effects of the proposal would be very localised and the harm would be limited. Nevertheless, I conclude that there would be harm to the landscape character and appearance of the area contrary to requirements in Policies OSS4 and EN3 of the CS and DEN2 and DHG9 of the DASA. Amongst other things, these policies broadly seek development that respects and contributes positively to the character and appearance of the area and the conservation and enhancement of the landscape and scenic beauty of the HWNL.

Living Conditions

32. The application was accompanied by a sunlight assessment which indicated that the proposal would result in a reduction in sunlight to the rear garden of Kent Cottage between February and October, and that there would be a loss of light to the garden of Old Bakery between November and February. The appeal submission includes a revised assessment suggesting that the reduction in average sunlight exposure would be around 1.4% to the garden of Kent

Cottage and around 1.3% to the garden of Old Bakery. However, neither of the assessments explain the methodology that has been used, and the reasons for the figures now presented within the 'addition results breakdown' tables of the revised assessment which differ in places from figures in the 'updated results' tables in the original assessment and are unclear to me. These factors limit the weight that I afford to these assessments.

33. Even taking the figures at face value, I note that while average reductions in sunlight may be small in percentage terms across the year, effects during the affected months would be greater. I appreciate that not all months and hours of the day would see a change, but the reductions would for the most part occur in the hours close to midday, and in the case of Kent Cottage during summer months when occupiers of the properties are likely to want to make use of their gardens. It is clear that the appeal dwelling already affects sunlight levels in neighbouring gardens and in my assessment, the further increase in shading would be appreciable and would be likely to diminish the enjoyment of these spaces by occupiers of Kent Cottage and Old Bakery.
34. Furthermore, outlook is a distinct concept from light. At present, the two-storey part of the appeal dwelling extends along much of the boundary to the rear of Kent Cottage. Based on my observations, it presents an imposing feature to both Kent Cottage and to a lesser degree Old Bakery and significantly restricts views from neighbouring properties in this direction. The proposal would further increase the first-floor width of the dwelling to extend along essentially the full depth of the neighbouring gardens. The additional width would be relatively small, but would block existing potential views above the single-storey part of the dwelling and would further exacerbate the existing sense of enclosure along the boundary and the overbearing effect of the development on the appeal site. I find as a result that there would be harm to outlook for the occupiers of Kent Cottage and Old Bakery.
35. The effects of the proposal on light and outlook may be relatively small, but would be from a baseline already impacted by the appeal dwelling. In combination, I conclude that the adverse effects of the proposal on light and outlook would cause unreasonable harm to living conditions for occupiers of Kent Cottage and Old Bakery. The proposal would therefore conflict with Policies OSS4 of the CS and DHG9 of the DASA which include requirements that development does not harm the amenities of adjoining properties.

Conclusion

36. The proposal would harm the significance of the Listed Building. There would additionally be harm to the character and appearance of the host dwelling and area and harm to the living conditions of neighbouring occupiers. Even if I had not identified harm to landscape character and appearance, I find that the benefits argued by the appellant would not outweigh the harm that would be caused. The proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.
37. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR