



Appeal Decisions

Site visit made on 3 April 2024

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2024

Appeal A Ref: APP/C1435/W/23/3321806

1-2 Church Path, Hellingly, Hailsham BN27 4EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr John Blake against Wealden District Council.
 - The application Ref is WD/2023/0294/F.
 - The development proposed is a single storey rear extension.
-

Appeal B Ref: APP/C1435/Y/23/3321807

1-2 Church Path, Hellingly, Hailsham BN27 4EZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr John Blake against Wealden District Council.
 - The application Ref is WD/2023/0295/LB.
 - The works proposed are a single storey rear extension.
-

Decisions

1. Appeal A is dismissed and planning permission is refused.
2. Appeal B is dismissed and listed building consent is refused.

Preliminary Matter

3. The planning and listed building appeals relate to the same scheme. The legislative regimes dealing with these aspects are different. However, to avoid repetition I have dealt with both appeals together unless otherwise noted in this decision letter.

Main Issues

4. The main issues are:
 - whether the proposal would preserve the Grade II listed building¹ or any features of special architectural or historic interest that it possesses, and
 - whether the proposal would preserve or enhance the character or appearance of the Hellingly Conservation Area.

Reasons

Listed building

¹ List Entry Number: 1043224

5. The listed building consists of 1, 2 and 3 Church Path, the appeal site being 1-2 Church Path, in use as a single house. 2-3 Church Path was originally built as a single dwelling, 17th century (C17) or earlier, now underbuilt in brick with a tile hung first floor and steep tiled roof. 1 Church Path is a C20 addition in brick and tile, taller than the earlier range. It has sash windows in contrast to the casement windows of the earlier range, other than for a former shop front which has now been replaced with a pair of bow windows. At the rear of 2 Church Path the roof is carried down in a catslide. A single storey extension has been added to 1 Church Path.
6. Its special interest lies primarily in the earlier part of the building, which retains most of the original timber frame other than where underbuilt in brick. Evidence of a former window in the rear first floor wall indicates that the catslide roof is a later addition but given its construction appears to be of antiquity and therefore of significance in the architectural and historic interest of the building. The catslide roof forms a distinctive feature of the building, characteristic of cottages of this age and type.
7. The proposed extension, although modest in size, would sit awkwardly in relation to the building. It would butt up to the rear wall with the roof visually unconnected to the existing structure. That awkward juxtaposition would appear at odds with the simple form of the existing cottage, and interrupt views of the unbroken sweep of the catslide roof that is the prevailing feature of this part of the listed building. The large, prominent glass lantern would be an uncharacteristic feature when compared to the simple, tiled roof slopes of the existing building and would also detract from its interest and significance.
8. I note the discussions that have taken place between the appellant and the Council to explore alternative designs for a rear extension, without success. I also note that the section of rear wall that is proposed to be removed appears to be modern brickwork and therefore would not result in the loss of historically important fabric. However, neither of these points justifies or overcomes the harm that I have identified above.
9. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require that special regard is paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest that it possesses. I conclude that the proposed extension would fail to preserve the special interest of the building because it would sit awkwardly in relation to it, obscuring views of the catslide roof which forms a characteristic feature of the listed structure. To use the wording from the National Planning Policy Framework (the Framework), that visual impact would cause less than substantial harm. However, that harm carries great weight and importance in determining the appeals.

Conservation area

10. The Hellingly Conservation Area is centred on the Church of St Peter and St Paul. The village has had remarkably little modern development and consequently is little changed from its historic origins. Its special interest lies in the historic core with a high proportion of vernacular buildings being listed for their historic and architectural value, the grouping around the church, and the village's undeveloped rural setting.

11. From the conservation area, only a limited view of the rear of 1-2 Church Path is gained from Church Lane obliquely over the property's rear garden. That view is partly obscured by hedging and fencing but the catslide roof in the central part of the listed building is visible. The upper part of the proposed extension would be visible from this view, including the glazed lantern. The loss of view of the catslide roof, and the inappropriate design of the roof of the extension, would detract from the character and appearance of the conservation area, part of whose significance derives from the vernacular design and materials of its buildings.
12. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Although only having a small impact because of the limited view, that impact would fail to preserve or enhance the conservation area, and therefore would be harmful to it. Such harm would be less than substantial.

Conclusion

13. Paragraph 208 of the Framework requires that where harm to a heritage asset would be less than substantial, the harm should be weighed against the public benefits of the proposal including, in the case of a listed building, securing its optimum viable use.
14. The extension would allow enlargement of the kitchen and internal access to the study. While I understand why these would be beneficial changes, they are largely private rather than public benefits. The property is already in an optimum use as a dwelling, the purpose for which at least part of it was originally built. While the existing kitchen is small, it is useable and I see no reason to believe that a failure to expand it would seriously threaten the continued use and enjoyment of the property as a dwellinghouse. Likewise, while the study has to be accessed externally, that access is not so inconvenient that it prevents the room being used for its intended purpose.
15. Even though the harm to the designated heritage assets would be less than substantial, that harm attracts great weight by virtue of the statutory requirements of the Act and national planning policy in paragraph 205 of the Framework. In this case the benefits of the proposed extension do not outweigh the harm that would be caused to the listed building or the conservation area.
16. For the same reasons the proposed extension would conflict with Policies SPO2 and SPO13 of the Wealden District Core Strategy Local Plan 2013 and saved Policies HG10, DC19, EN19 and EN27 of the Wealden Local Plan 1998 which seek to preserve heritage assets, promote good design and ensure that the intrinsic quality of the historic environment is protected.
17. The proposal conflicts with the development plan when taken as a whole. It also conflicts with the statutory tests set out in the Act. There are no material considerations that outweigh the conflict so identified. Consequently, I conclude that the appeals should be dismissed.

Guy Davies

INSPECTOR