



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: 9 April 2024

Appeal A Ref: APP/M2270/W/23/3325626

White Chimneys, Nineveh Lane, Benenden, Kent TN17 4LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Katis against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 23/00482/FULL.
 - The development proposed is the erection of single storey rear extension.
-

Appeal B Ref: APP/M2270/Y/23/3325624

White Chimneys, Nineveh Lane, Benenden, Kent TN17 4LG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Paul Katis against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 23/00483/LBC.
 - The works proposed are the erection of single storey rear extension.
-

Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

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.
4. Areas of Outstanding Natural Beauty have recently been renamed as National Landscapes. I have used the new term in this decision letter.

Main Issues

5. The main issues are:
 - whether the proposed extension would preserve the grade II listed building¹ or any features of special architectural or historic interest that it possesses,
 - the effect of the extension on the High Weald National Landscape.

¹ List Entry Number: 1336744

Reasons

Listed building

6. The listed building was built as a pair of cottages, now in use as one house. It is described as being of late eighteenth century date. It has a rectangular plan form with brick and weatherboarded elevations under a half hipped, tiled roof with large chimney stacks and a catslide running the whole length of the building at the rear. More recently a two storey extension has been added at the rear.
7. Its significance and special interest lie in the surviving original fabric and the simple vernacular proportions and materials of the former pair of cottages, which is reflected in the symmetrical layout of the front elevation with paired doors, windows and chimneys, and the sweeping catslide roof at the rear, a characteristic feature of cottages of this age and type. The extension at the rear interrupts this catslide but is centrally placed so maintaining the sense of symmetry found in the original cottages.
8. The proposed extension would depart from this symmetry infilling the area between the main range and the existing rear extension. Although modest in scale, such infilling would draw attention away from the easily recognisable plan form of the original cottages, diluting its simplicity. The design of the extension also presents difficulties with how it would be perceived, with an awkward junction between its roof and the catslide of the main range, and a fully hipped end in contrast to the half hips of the original building. Together, these aspects of the proposal would detract from the significance of the listed building.
9. Sections 16(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require that special regard is paid to the preservation of the listed building or any features of special architectural or historic interest that it possesses. Reflecting the wording used in the National Planning Policy Framework (the Framework) I conclude that the proposed extension would result in less than substantial harm to the listed building. While that harm may be modest, the desirability of conserving the building carries great weight and avoiding such harm is therefore of considerable importance in determining these appeals.
10. For the same reasons it would conflict with Core Policy 4 of the Tunbridge Wells Borough Core Strategy 2010, Policy EN25 of the Tunbridge Wells Borough Local Plan 2006 (the Local Plan) and Policy BD1 of the Benenden Neighbourhood Development Plan 2020-2038, which seek to conserve listed buildings and protect the architectural and historic integrity of heritage assets in the borough.

National landscape

11. The site lies within the High Weald National Landscape, which is characterised by a patchwork of small fields and woodlands in rolling countryside, separated by hedges and wooded shaws. Settlements tend to be small and sited on ridgelines, with a scattering of more isolated farmsteads and cottages in between. Vernacular buildings are of brick or timber frame, often with weatherboarded or tile hung elevations under plain tiled roofs. White Chimneys reflects these characteristics in that it occupies an isolated position amongst

small fields with hedged and treed boundaries, and is a good example of a local vernacular building.

12. Because of the isolated nature of the building, the extension would not be readily seen from Nineveh Lane or other public vantage points. Although I have found that it would cause less than substantial harm to the significance of the building, that harm would have only a very peripheral impact on the wider countryside. When assessed on a landscape scale, it would not in my view amount to a separate reason for opposing the proposal. Consequently, I consider that the proposal would not conflict materially with Policies LBD1, H11 and EN1 of the Local Plan in so far as they relate to protecting the landscape.

Conclusion

13. Where a proposal would lead to less than substantial harm to the significance of a heritage asset, paragraph 208 of the Framework requires that the harm be weighed against the public benefits of the proposal including, in the case of a listed building, securing its optimum viable use.
14. As well as providing another reception room, the extension would facilitate internal changes to the property to enlarge the ground floor utility room. While I understand the benefits of those changes to the appellant, they would primarily be private rather than public benefits. The property is already in an optimum use as a dwelling with all normal domestic facilities, and that would remain the case irrespective of whether the extension was added or not.
15. Even though the degree of harm to the significance of the listed building 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.
16. The proposal would conflict with the statutory protection afforded to listed buildings, and also with the development plan when taken as a whole. There are no material considerations, including public benefits, that outweigh that conflict. Accordingly, I conclude that the appeals should be dismissed.

Guy Davies

INSPECTOR