



Appeal Decision

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 Reference: APP/E2205/Y/23/3331160

Johnstone East, Rock Hill Road, Egerton, Kent TN27 9DR

- 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 Philip Ross against the decision of Ashford Borough Council.
 - The application reference is PA/2023/0090.
 - The works proposed are for a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the works from the Council's decision notice as being more concise than those included on the application or appeal forms.
3. Planning permission was refused for the same scheme under PA/2023/0072. No appeal has been lodged against that decision to date. I have therefore only considered the appeal against the refusal of listed building consent.
4. The National Planning Policy Framework (the Framework) has been revised since the decision was made by the Council. Other than for changes to the paragraph numbers, national policy relating to heritage assets remains the same. I have used the new paragraph numbers when referring to the Framework.

Main Issue

5. The main issue is whether the proposed extension would preserve the grade II listed building¹ or any features of special architectural or historic interest that it possesses.

Reasons

6. The listed building consists of a timber framed range under a hipped, pitched roof with three wings at the back and a large, central chimney. Parts of the ground floor are underbuilt in brick with tile hung and weatherboarded first floor elevations. The building is divided into two houses, the appeal property occupying the eastern part. The special interest of the building lies in its history, surviving timber frame and vernacular appearance, and its setting as part of the village of Egerton, which contains a variety of other listed and/or vernacular buildings characteristic of this part of Kent.

¹ List Entry Number: 1362619

7. The main range lies end on to Rock Hill Road with its long southern side forming the most visible elevation as one approaches the building coming up the hill from the south. In this view, the form of the building as a single main range with central chimney stack and traditional materials is most apparent.
8. The proposed extension would project from the end of the southern elevation with its roof rising to near the eaves line. This would distract from the simple proportions of the range as it is seen at present, and would screen views of parts of the timber frame and tile hanging, both of which form features of importance to its significance as a listed building. It would as a result diminish how the building can be appreciated as a structure of special historic and architectural interest. Those changes may be relatively modest given the scale of the extension in relation to the whole range, but nevertheless using the terminology of the Framework it would cause less than substantial harm to the significance of the listed building.
9. I recognise that the proposed materials of a timber frame and plain tiles would be sympathetic to those found on the listed building, that the use of plain tiles requires a minimum roof pitch, and that the garden is of sufficient size to avoid being dominated by the extension. However, none of these factors justifies or mitigates the harm I have identified above. I also saw that the neighbouring property at Johnstone West has a conservatory on its part of the southern elevation. I have no information when that was built, but it does not serve as a good example of an extension to the listed building and therefore I give it little weight in my decision.
10. Where development would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework requires that the harm should be weighed against any public benefits of the proposal including, in the case of a listed building, securing its optimum viable use.
11. In this case the building is already in an optimum viable use as a dwelling, the purpose for which it, or at least a large proportion of it, was originally built, and the extension is not essential for that use to continue. While I can understand the benefit to the appellant of having extended living accommodation, that would be a largely private rather than a public benefit, and consequently does not carry the same weight.
12. Even though the harm to the listed building would be less than substantial, that harm attracts great weight by virtue of Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 205 of the Framework. In my view the harm that would be caused to the significance of the listed building is not outweighed by the benefits, nor is the extension required to secure the optimum viable use of the building. For the same reasons, the proposal would conflict with Policy ENV13 of the Ashford Local Plan 2019, which seeks to protect heritage assets in the borough.

Other Matters

13. Reference is made to the appellant's human rights being adversely affected because the Council's decision has limited his ability to enjoy the property. Application of legislation protecting heritage assets may place constraints on what may be done to those assets, but such constraints are necessary in the public interest. I have taken account of the benefits to the appellant in reaching

my decision but have found that those do not outweigh the harm that would be caused to the listed building. The limitation on the appellant's enjoyment of the property in this case is therefore justified and proportionate.

Conclusion

14. The proposal would conflict with the statutory protection afforded to listed buildings, and also with the development plan. There are no material considerations, including public benefits, that outweigh that conflict. Accordingly, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR