



Appeal Decisions

Site visit made on 23 April 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2024

Appeal A: APP/E2205/W/23/3328416

27 Scotton Street, Wye, Kent TN25 5BU

- 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 Miss Helen Bradley against the decision of Ashford Borough Council.
 - The application reference is PA/2022/3080.
 - The development proposed is described as '*demolition of attached wooden lean-to building to rear of property and replacement with a single storey structure, including a link to the existing dwelling; and, minor amendments to the outbuilding in the rear garden area previously approved under 08/00109/AS.*'
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Appeal B: APP/E2205/Y/23/3328418

27 Scotton Street, Wye, Kent TN25 5BU

- 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 Miss Helen Bradley against the decision of Ashford Borough Council.
 - The application reference is PA/2022/3114.
 - The works proposed are described as '*demolition of attached wooden lean-to building to rear of property and replacement with a single storey structure, including a link to the existing dwelling; and minor amendments to the outbuilding in the rear garden area previously approved under 08/00109/AS.*'
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Decision

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

Preliminary Matters

3. As the appeal site lies within a conservation area (CA) and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is whether the proposal would preserve a Grade II listed building, known as '25, 27 and 29, Scotton Street' (Ref: 1275315), and any of the features of special architectural or historic interest that it possesses.

Reasons

5. 27 Scotton Street is a two storey mid-terraced dwelling, which dates back to the 18th century. The terrace comprises of Nos. 25, 27 and 29 Scotton Street and was listed in 1989. It was originally a pair of dwellings, but a recessed right wing was added in the late 20th century and the building now consists of 3 dwellings. There are a number of historic outbuildings to the rear of the terrace, which are now linked to the terrace. The historic outbuilding to the rear of No 27 is linked to the terrace by a single storey, flat roof extension with a roof lantern. This historic, former outbuilding has a pitched clay tile roof and is constructed of red brick in an English bond, with some blue headers. Its design and use of traditional materials complements the special architectural interest of the terrace.
6. For the purposes of the Act, a listed building includes any structure that is within its curtilage which has existed since before 1st July 1948. As a structure within the curtilage that has a principal and accessory relationship to the main building, the attached historic outbuilding is consequently listed. While neither the outbuilding or the rear of the terrace are referenced in the list description, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest.
7. Based on my site visit and the evidence before me, I find that the listed building's special interest, insofar as is relevant to these appeals is derived from its historic and architectural interest, as an illustration of 18th century Georgian domestic architecture. The building's surviving historic fabric, use of traditional materials, the legibility of its historic plan form, its pleasing architectural style and design and high quality examples of historic, former outbuildings all make important contributions in these regards.
8. The proposal seeks to demolish an existing timber lean-to structure, which has a flat roof. Even though the lean-to structure adjoins the listed building, given its modest size, lightweight construction and the fact that it is not inhabitable means that it is not read as part of the listed building. The proposal would be attached to the historic former outbuilding by a flat roof link extension. The provision of a flat roof would allow the roof form of the former outbuilding to remain largely unaltered. The proposed extension would have a pitched roof and would utilise traditional materials, which would be in keeping with the listed building.
9. The terrace was originally two rooms deep. I appreciate that there are already flat roof links, which connect the terrace to former outbuildings. Although this has significantly eroded the separate ancillary form of the outbuildings, they nevertheless remain legible. Even though the proposal would have a similar footprint to the existing lean-to structure, it would appear far more substantial in construction, higher in height with a pitched roof and contain habitable accommodation. The proposal would result in further incremental extension to the rear of the terrace through the introduction of another flat roof link and pitched roof structure. This would further erode the legibility of the outbuildings and harm the architectural integrity of the listed building.
10. I acknowledge that the proposed extension would not project as far to the rear as the attached outbuildings, located to the rear of No 25. However, it appears from the evidence before me and my site visit that consent was granted for

alterations to the existing outbuildings to the rear of No 25 and not for new built form. As a result, they are not comparable.

11. The appellant has suggested that the proposal would not harm the listed building because it is sited to the rear of the property and would be screened from public views. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
12. The Council raises no objection to the amendments proposed to the previously approved outbuilding. Based on the evidence before me and my site visit, I see no reason to reach a contrary view to the Council on this matter and consider that the proposed amendments to the outbuilding would preserve the setting and therefore the significance of the listed building, when compared to the extant scheme.
13. For the reasons given above, I find that the proposal would fail to preserve the special interest and significance of the listed building. I give this harm considerable importance and weight in the planning balance of these appeals.
14. Paragraph 205 of the National Planning Policy Framework 2023 (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. Paragraph 206 advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
15. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimal viable use. The appellant considers that the proposal would be beneficial because it would adapt the dwelling to meet post covid home working, which would support the long term conservation of the listed building and secure its optimal viable use.
16. However, I have no evidence to suggest that the use of the building as a residential dwelling would cease in the absence of the proposed changes and I do not find them necessary to secure the viability and long-term conservation of the building as a result. Furthermore, these private benefits could be met, at least in part, by an extant consent for an outbuilding in the garden. While I appreciate that this is not considered ideal, it is nevertheless an alternative to otherwise irreversible and permanent harm to the listed building.
17. Turning to the public benefits, the appellant argues that the existing lean-to structure detracts from the special interest of the listed building and that the proposal would provide an enhancement. While the removal of the existing lean-to structure would be beneficial, for the reasons given above, I find that the proposal would result in a greater level of harm to the listed building than exists at present. Consequently, this only carries limited weight in favour of the proposal.
18. The proposal would result in investment into the property, which would have a small economic benefit. The proposal would also provide a level and safe

access to the rear of the house. While I appreciate that the access from the back door is currently uneven, this matter could be addressed without the need for a new addition. As such, these benefits also carry limited weight in favour of the proposal.

19. Overall, there would be limited economic and social public benefits from the proposal, with the majority of the benefits being private benefits. Consequently, in attributing considerable importance and weight to the identified harm to the significance of the designated heritage asset, I find that there would be insufficient public benefits arising from the proposal to outweigh this harm. The continued viable use of the appeal property as a residential dwelling is not dependent on the proposal, as the building has an ongoing residential use that would not cease in its absence.
20. Given the above, I conclude that, on balance, the proposal would fail to preserve the special historic interest and significance of the listed building. The proposal would fail to satisfy the requirements of the Act and paragraphs 205 and 208 of the Framework. The proposal would also conflict with Policy ENV13 of the Ashford Local Plan 2030, adopted February 2019 that seeks, among other things, to ensure that proposals preserve or enhance the heritage assets of the Borough, sustaining and enhancing their significance. As a result, in respect of the section 78 appeal, the proposal would not be in accordance with the development plan.

Other Matters

21. The appeal site lies within the Wye CA. Both parties agree that the proposal would not harm the significance of the CA. Nevertheless, I have had special regard to the desirability of preserving or enhancing the character or appearance of the CA in my decision.
22. Despite the harm that would be caused to the listed building I do not find that the proposal would be detrimental to the character or appearance of the CA. This is because the proposal would not be visible from the public domain and only have limited prominence from the private domain. Under such circumstances case law¹ has established that proposals must be judged according to their effect on a CA as a whole and must therefore have a moderate degree of prominence. Given the above, I find that the proposal would not be detrimental to the CA and thus preserve its significance.
23. The appellant contends that they could convert the lean-to structure to habitable accommodation. There are no details of such a scheme before me to consider nor is it being relied upon as an explicit fallback position. I therefore give this argument limited weight in the broader planning balance of my decision.
24. I note the letter of support from a neighbour, but this does not alter the conclusions I have reached in relation to the harm that would be caused by the proposal.

¹ South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89

Conclusion

25. For the above reasons and having regard to all other matters raised I conclude that both Appeal A and Appeal B should be dismissed.

A James

INSPECTOR