

Appeal Decisions

Site visit made on 18 June 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2024

Appeal A: APP/X2220/W/24/3338992

West Street Farm, West Street Farm Road, Finglesham, Kent CT14 0NH

- 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 & Mrs Sellier against the decision of Dover District Council.
- The application reference is 23/01329.
- The development proposed is two storey side extension and single storey glazed rear infill extension.

Appeal B: APP/X2220/Y/24/3338998

West Street Farm, West Street Farm Road, Finglesham, Kent CT14 0NH

- 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 & Mrs Sellier against the decision of Dover District Council.
 - The application reference is 23/01330.
 - The works proposed relate to two storey side extension and single storey glazed rear infill extension.
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Decision

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

Preliminary Matters

3. As the appeal relates to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The Draft Dover District Local Plan (Draft Local Plan) is at an advanced stage. Consultation on the Main Modifications ran until 24 May 2024. The modifications include minor changes to Policy HE1 and its supporting text in relation to heritage at risk buildings and the information which should be included in Heritage Statements. Minor changes are also proposed to the wording of Policies H6 and PM1. The proposed modifications have no bearing on this appeal.
5. While the Draft Local Plan has yet to be adopted, there is a high probability that the policies will eventually be adopted as originally worded or as proposed to be modified. Therefore, having regard to paragraph 48 of the National Planning Policy Framework 2023 (the Framework), they can generally be given a considerable amount of weight.

Main Issue

6. The main issue is whether the proposal would preserve a Grade II listed building, known as 'West Street Farmhouse' (Ref: 1264118), and any of the features of special architectural or historic interest that it possesses.

Reasons

7. West Street Farmhouse is a two-storey dwelling, which has 2 parallel ranges and a double pile roof formation. The building has ornate features, including pilaster strips crowned with shields, brick arches, a string course and roundels. It also utilises traditional materials, such as red brick, clay tiles and flint. The historic part of the dwelling has a regular pattern of fenestration and has a symmetrical form. The building is believed to have been designed by the proto Arts and Craft Architect George Devey, as a replica of The Dutch House at 62 King Street, Sandwich, which is Grade II* listed.
8. A single storey side extension, with accommodation in the roof and 2 single storey rear projections were added to the building in the late 20th century. The late 20th century additions utilise traditional materials and incorporate design features, which are found on the historic part of the building, such as brick arches and a string course. While the side projection diminishes the overall symmetry of the listed building somewhat, it too has a symmetrical form. Given its lower ridge height and its set back front elevation, it is subservient to the historic part of the building.
9. Based on my site visit and the evidence before me, I find that the listed building's special interest and significance insofar as is relevant to these appeals is derived from its historic and architectural interest as an illustration of 19th century, arts and crafts domestic architecture. The building's elaborate and ornate facades, use of traditional materials, the regularity of its fenestration, sense of symmetry and its pleasing architectural style all make important contributions in these regards.
10. The proposal seeks to erect a two storey side extension, which would be attached to the late 20th century side projection. The ground floor would provide accommodation for an elderly relative, with an enlarged master suite above. A single storey, flat roofed rear extension is also proposed, which would 'infill' the area between the existing 2 rear projections. The proposed 'infill' extension would be extensively glazed and have a green roof.
11. The proposed two storey extension would be higher in height and set further forward in its plot than the late 20th century side projection. Although the proposed two storey extension would be set back behind the front building line of the historic part of the building, its ridge would be a similar height to the front range on the historic part of the building. The two storey extension would also project further rearwards than the rear elevation of the historic part of the building. As a result of its size, height and design it would visually compete with the historic core of the building and significantly disrupt the sense of symmetry that the existing building exhibits.
12. Although the rear elevation of the building is largely screened from a public viewpoint by the existing boundary treatment, the historic part of the building is largely unobstructed by built form and this allows one to better appreciate its form, sense of symmetry and architectural interest. The proposed single storey

rear extension has been designed as a minimalistic, contemporary, lightweight structure, which would be extensively glazed. The appellant advises that the rear extension could be removed in the future without leaving a trace on the listed building.

13. I appreciate that the proposal has been designed to minimise its impact on any historic fabric and that views of the rear elevation would be available internally or through the glazing. Nevertheless, I find that the size and extent of glazing would harmfully contrast with the smaller and more domestic scale of fenestration on the host property. The proposal would also diminish views and draw attention away from the historic part of the building.
14. The historic core of the building typically has modest sized rooms. The proposal would create large open plan living areas, which would starkly contrast with the domestic scale plan form of the historic core of the building. In combination with the existing late 20th century additions, the proposal would result in further incremental extension to the listed building, which would overwhelm the building's historic core and harm the architectural integrity of the listed building.
15. The proposal has been designed to reflect Devey's concept of historic progression and evolution and would appear visually distinct to the host dwelling. The appellant advises that it has been designed in the manner of CFA Voysey, who was Devey's pupil. The proposal utilises features and materials, which include deep eaves, an oriel window and use of roughcast render, typically found in Voysey's architecture. While the proposed roof tiles would match the existing building, I find that the use of off-white/sand coloured roughcast render and the contemporary design would visually jar and appear harmfully discordant with the traditional design and materials found on the host building.
16. For the reasons given above, I find that the proposal would fail to preserve the special interest of the listed building.

Other Matters

17. My attention has been drawn to a large, contemporary, single storey extension at Mill House near Ashford¹. However, there is limited evidence before me on the circumstances of this case and I therefore give it limited weight in my decision.
18. The Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010 (the Equality Act) identifies that age and disability are relevant protected characteristics for the purposes of the Equality Act. The PSED sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The proposal would incorporate ancillary accommodation, which would be occupied by an elderly relative, who is becoming increasingly infirm. I turn to this matter further below.

¹ Application ref: Y08/0237/SH

Public Benefits, Heritage and Planning Balance and PSED

19. Paragraph 205 of 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 requires clear and convincing justification. Given the nature and extent of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
20. 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 optimum viable use.
21. The appellant states that the extension would provide enhanced living accommodation and provide uninterrupted views of the landscape, which are private benefits. The proposal also includes accommodation for an elderly relative, which would enable them to retain a sense of independence, which is a social benefit. However, a large proportion of the proposal provides general accommodation for the household. There is no compelling evidence before me to demonstrate that this is the only way to deliver the accommodation for the elderly relative and I therefore give this benefit limited weight in my decision.
22. The proposal would result in investment into the property, which would have a small economic benefit, which carries limited weight in favour of the proposal as a public benefit. There is no substantive evidence before me that the proposal is necessary in order to secure the optimum viable use of the asset.
23. Overall, there would be limited public benefits from the proposal. Consequently, I find that there would be insufficient public benefits arising from the proposal to outweigh the harm that would be caused.
24. Given the above, I conclude that, on balance, the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building. The proposal would fail to satisfy the requirements of the Act and paragraph 203 of the Framework. The proposal would also conflict with Policies PM1, HE1 and H6 of the Draft Local Plan, which requires that proposals conserve or enhance the heritage assets of the District, sustaining and enhancing their significance and that proposals respond positively to existing built form and are suitable in scale, character and materials to the existing dwelling.
25. While the scale and size of the proposal as a whole is large and is not subordinate to the host dwelling, the part of the accommodation for the elderly relative is of a size and design appropriate to the needs of the intended occupant. As a result, I find no conflict with Policy DM9 of the Dover District Local Development Framework Core Strategy February 2010.
26. I have had due regard to the PSED, but the unacceptable effect of the proposal outweighs its benefits in terms of eliminating discrimination against persons with the protected characteristics of age and disability and advancing equality of opportunity for those persons and fostering good relations between them and others.

Conclusion

27. For the above reasons and having regard to all other matters raised, including the PSED, I conclude that it is proportionate and necessary to dismiss these appeals.

A James

INSPECTOR