



Appeal Decisions

Site visit made on 25 June 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 18th July 2024

Appeal: APP/H2265/Y/24/3338578

14A Bordyke, Tonbridge, Kent TN9 1NN

- 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 Mark Oliver against the decision of Tonbridge and Malling Borough Council.
 - The application reference is TM/23/01805/LB.
 - The works proposed are to replace the 1960/1970s ground floor single glazed picture window and door from the dining room to the garden side on the rear with powder coated aluminium bifold doors.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the works provided in the application form contained unnecessary detail. I have, therefore, used the description of works provided in the decision notice in the banner heading above as this provides greater clarity in identifying the extent of the proposed works.
3. As the proposal is in a conservation area and relates to a listed building consent I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. There is no dispute between the parties that the site lies within the Tonbridge Conservation Area (the CA). However, the works would be to the rear of the property and thus be screened from the public realm by the body of the building. The proposed changes would not be visible from the public or private domain, as views into the site from the private realm are effectively screened. 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. I have therefore considered only the effect of the proposal on the listed building in my reasoning below.

Main Issue

5. The main issue is whether the proposal would preserve a Grade II listed building known as "13 and 14 Bordyke" (Ref: 1363373) (the LB), and any of the features of special architectural or historic interest that it possesses.

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

Reasons

6. The LB comprises a pair of three storey detached houses, 13 Bordyke which is also known as Walmer House; and 14A Bordyke, also known as Old Bank House. They date from the 19th century and are built in ashlar. They have both been extended to the rear over time in stone. The extensions to the appeal building (No 14A) are single storey, those to No 13 are two-storey.
7. Recently Walmer House was granted consent² (the Walmer House consent) to demolish and replace a rear extension. At the time of my site visit the works to do so appeared to have been completed.
8. The LB contributes, together with 9-12 Bordyke, to a cluster of buildings of pleasing architectural appearance. The appellant identifies that these, together, form an important and prominent part of the street scene near the centre of Tonbridge, thus providing value as a group and this is acknowledged in the official entry list. Given the above, I find that the special interest of the LB, insofar as it relates to this appeal, to be primarily associated with the use of sympathetic, traditional materials. I find that these elements directly contribute to the special interest of the building.
9. In January 2024, after the appeal was made, listed building consent³ (the January consent) was granted for the replacement of the window and door that are the subject of this appeal with white uPVC double-glazed bifold doors. In April a further listed building consent⁴ (the April consent) was granted for replacement of the same window and door with aluminium double-glazed bifold doors. The approved plans accompanying the April consent illustrate an identical scheme to the appeal proposal.
10. The proposal would remove an existing single-glazed timber door and picture window, replacing them with double-glazed aluminium bifold doors. In doing so part of the existing wall, lying directly below the picture window, would be removed.
11. The window and door frame that would be replaced are a modern addition, dating from the 1960s or 70s. As such no historic fabric would be lost by their removal and replacement within the existing opening.
12. However, the wall below is part of the historic fabric of the building and any such loss constitutes harm. Further the use of aluminium as a replacement material would be highly incongruent given the departure from the use of high quality, traditional materials that is to be expected on a building of national importance. Added to this is the use of double glazing which would have a greater reflectivity and reduced longevity in comparison to single glazing. This would further erode the architectural quality of this elevation.
13. The appellant has drawn my attention to the Walmer House consent, arguing that the loss of historic fabric associated with that proposal was far greater than the loss of the small amount of wall that would be lost through the proposed works.

² Council ref: TM/22/02576/LB

³ Council ref: TM/23/03007/LB

⁴ Council ref: TM/24/00081/PA

14. I am also aware of a consent⁵ given by the Council for bi-fold doors at 10 Bordyke. Whilst I do not have full details of either consents previous harm to the LB, or other LBs nearby does not justify further harm to the LB. I have, in any case, determined this appeal on its own merits.
15. The appellant has suggested that the proposal would not harm the listed building because it would not be more widely visible, and the principal interest of the building relates to the pleasing architectural presence it contributes to the street scene. 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 and the special interest relates to the building when considered as a whole.
16. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
17. Paragraph 205 of the National Planning Policy Framework (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 goes on to advise 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.
18. Given the scope of the works and the limited effect that these would have on how the building would be experienced as a whole, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. The continued use of the building is not dependent on this proposal as the present residential use would not cease in its absence.
19. The improvement of the thermal efficiency of the windows would improve the energy efficiency of the building. Such measures are supported by paragraph 164 of the Framework which advises that local planning authorities should give significant weight to the need to support energy efficiency improvements to existing buildings. This is a public benefit that would add weight in favour of the proposal.
20. Although paragraph 164 of the Framework requires significant weight to be given, irrespective of any energy efficiency improvement and the scale of any associated carbon reduction, it does not disapply those parts of the Framework set out above or the need to give any resulting heritage harm great weight in the public benefit balance and so I do not find that the public benefits are sufficient to outweigh the harm that I have identified in this instance.
21. Given the above and in the absence of public benefits that would outweigh the harm that would be caused, I conclude that, on balance, the proposal would fail to preserve the special historic and architectural interest of the Grade II listed building. This would fail to satisfy the requirements of the Act and paragraph 206 of the Framework.

⁵ Council ref: 17/03434/LB

22. I am aware that the January and April consents would allow similar works to those considered in this appeal to be carried out, but with uPVC substituted for aluminium to construct the doors in the instance of the January consent. I have, however, considered the effects of the proposal before me on its own merits and any effects it would have on the special interest of the LB. Nonetheless, my decision places no impediment on the appellant to carry out the works permitted by either the January or March consents.

Conclusion

23. For the reasons given above the appeal should be dismissed.

I A Dyer

INSPECTOR