



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: 6th August 2024

Appeal: APP/C1435/Y/23/3332082

Marsons Croft, Station Road, Rotherfield, East Sussex TN6 3HU

- 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 P Dooley against the decision of Wealden District Council.
 - The application reference is WD/2023/1116/LB.
 - The works proposed are single storey rear extension to replace 1930's extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the Council's Notice of Decision, dated 7 August 2023, refers to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act), this is inappropriate as section 66(1) relates to applications for planning permission. The appeal before me relates to an application for listed building consent, and, therefore, the provisions of section 16(2), are relevant in its determination. I have thus had special regard to section 16(2) of the Act. Sections 16(2) and 66(1) each impose on me the duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
3. The address provided by the appellant, which is used throughout the appeal documents provided by both the appellant and the Council refer to "Marsons Croft". The official list entry refers to the building as "Marston's Croft". I have used the address provided by the appellant in my banner heading above but have used the name provided in the official list entry for the purposes of identifying the listed building.
4. In November 2023, after the appeal was made, planning permission and listed building consent¹ was granted for a single storey rear extension to replace a 1930's extension at the appeal site (the consented scheme). The approved plans illustrate a replacement extension with a lower ridge height than that of the appeal proposal and a simple hipped roof. Within the LB the consented scheme would retain a section of wall containing the remnants of the bread oven and does not include the relocation of the ground floor toilet to the bedroom. In response to this, the appellant has indicated that, should I be minded to dismiss the appeal for the full works proposed, he would like me to separately consider allowing two elements of the appeal scheme: the demolition of an internal wall containing the remnants of a bread oven; and the construction of a toilet within a ground floor room currently used as a bedroom.

¹ Council Refs: WD/2023/2495/F and WD/2023/2485/LB

5. Whilst the demolition of the wall could not be carried out as shown on the proposal plans as a fully separable part of the works to demolish the existing extension, and therefore could not be implemented separately as part of the works under my consideration, the installation of the toilet within the bedroom could be, and I will return to this matter later in my decision.

Main Issue

6. The main issue is whether the proposal would preserve a Grade II listed building known as "Marston's Croft" (Ref: 1194127) (the LB), and any of the features of special architectural or historic interest that it possesses.

Reasons

7. The LB dates from the late 16th or early 17th century. It was built on the site of an earlier mediaeval hall which has, in phases through the history of the building, been replaced by the present building. The LB is L-shaped with accommodation on two floors and faces towards the road to the north.
8. An out-shut was added to the south-east corner in the 18th or early 19th century, giving the building a roughly square footprint. At that time the roof was re-built, using, at least in part, earlier timbers, and the timber framing of the ground floor was underbuilt with brick and stone. Parts of the timber-frame, if not all, were clad at first-floor level with tile-hanging to update the appearance of the house. The timber-framing of the east elevation at first-floor level was also rebuilt.
9. At some point, probably before 1839, the house was subdivided to form two cottages and, later, two small extensions were added to the rear of the house. The building later returned to use as a single dwelling and, in the 1930s a single storey extension was added to the rear, projecting south from the out-shut and incorporating one of the earlier, smaller, extensions. The other small extension has, at some time, been demolished.
10. Externally, the LB retains a significant proportion of its historic features and it is a good example of local domestic architecture, constructed using traditional materials, which is not eroded by the sympathetic later addition of the 1930s extension.
11. The roof form of the LB makes a significant contribution to the appearance of the building. Particularly of note is the catslide roof face formed by the addition of the out-shut to the core of the building. Internally, the pitched ceiling of the out-shut provides a clearly legible narrative of the development of the LB and provides a hierarchy of structure.
12. Given the above, I find the special interest of the building, insofar as it relates to this appeal, to be primarily associated with its pleasing appearance as an example of a rural dwelling constructed in the local vernacular tradition with traditional materials and the progressive reconstruction of the building over time to reflect the historic patterns of use. I find that the legibility of these elements directly contributes to the special interest of the building.
13. The proposal would demolish the 1930s extension and a section of wall of the existing kitchen. A new, larger extension, creating an open plan kitchen and dining room would be built in its place. The proposed extension would re-use tiles from the demolished parts of the LB as much as possible to clad a half-

- hipped roof, reflective of the existing roof form of the LB, and the walls would be clad in timber shingles. The enlarged kitchen/dining room created would have a vaulted ceiling.
14. Within the building, the ground floor toilet would be relocated to a ground floor bedroom to the north. The southern part of that room would be partitioned off and a lobby created to provide separate doors to access the bedroom and the toilet.
 15. The 1930s extension is sympathetic to the LB given the use of traditional materials and its subservient massing. As such, the extension does not visually compete with the historic core of the LB and erode its special architectural interest.
 16. The proposed extension would be wider than the existing one and has a higher ridge. It would, therefore, intrude into the face of the catslide to a greater extent and the roofing element of the extension would have greater massing. Together the effect of these would be to undermine the subservience of the extension to the main body of the dwelling.
 17. Externally, the half-hipped roof of the extension, whilst reducing the massing of the roof, to a degree, would reduce the legibility and weaken the current effect of the catslide as a consistent planar form. Internally, the vaulted ceiling would conflate the spaces within the building, reducing the legibility of phasing of the catslide and the extension. Together these effects would undermine the positive contribution that the catslide makes to the appearance of the building and the legibility of its later phasing.
 18. Further, the alteration and vaulting of the roof has potential for the loss of historic fabric of the building, although there is dispute between the parties as to the extent of loss. Based on the evidence before me, however, there would be some loss of historic material and this would be harmful.
 19. The 1930s extension incorporated parts of one of the earlier smaller extensions built on the rear of the building when it was subdivided into two dwellings. The wall between the 1930s extension and the existing kitchen within the out-shut contains the remnants of a bread oven. The removal of the wall would result in further loss of historic material. In the loss of the remnants of the bread oven there would be loss of material that provides information of how occupiers of the LB lived and used the building.
 20. I note that, by retention of a section of brickwork, which retains queen closers evidential of the historic doorway position, some evidence of the historic line of the rear wall of the outshot would be retained. Nonetheless, there would be some reduction in legibility of the historic layout and circulation of the LB.
 21. In regard to the relocation of the toilet, the room in which it would be located contains a substantial fireplace and chimney stack. These are currently positioned roughly centrally within the wall, giving it a balance of composition and reflecting the historic status of the room within the dwelling.
 22. The proposal, by introducing a stud wall across the southern section of the room, would alter the historic layout of the room, giving it an unbalanced appearance. Given the scale of the fireplace, which the appellant identifies as a highly significant feature of the house, its subsequent position, at a corner, would be highly incongruent.

23. The appellant has suggested that the remnants of the bread oven opening are not a good example of such a feature, due to their fragmentary nature. However, it is acknowledged that there would inevitably be some impact on the significance of the house through its removal. I see no reason to dispute this finding as these remnants contribute to the narrative of the LBs history and use.
24. Whilst sympathetic to the LB, the 1930s extension is a later, 20th century, addition, and, as such, the removal of the structure outside of the limits of the out-shut and remnants of the bread oven would, in this instance, leave the historic core unaltered and have no adverse effect on the special interest of the LB.
25. The appellant identifies that the partitioning of the bedroom to incorporate the toilet would be reversible and could be carried out without the loss of historic fabric. However, the harm that I have identified above would be permanent for all intents and purposes given its functional role.
26. The appellant has suggested that the proposal would be acceptable as it simply continues the evolution of the LB, which has seen significant change over time whilst retaining its significance. The appellant views such change as contributing to the character of the asset. Whilst I accept that this has been the case, I do not find that the proposal would make a further positive contribution for the reasons I have already given.
27. The appellant argues that scale, form, bulk and massing are ambiguous definitions that cannot be set against any quantitative reasoning for refusal. However, in determining this appeal I have exercised my planning judgement, and, whilst professional opinions may differ, I have set out my reasoning so that my final decision may be understood.
28. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. 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.
29. 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.
30. The appellant identifies that the existing door between the out-shut and the 1930s extension is not compliant with part M of the building regulations and thus cannot be considered adequate in the 21st century. However, whilst the construction of the LB may not accord with current building requirements, consideration must be given to the preservation and enhancement of its important historical and architectural features and listed buildings are exempt from some of the regulations. The modification of existing housing stock to

provide for whole-life needs of occupiers provides some public benefit. The adaptation of the dwelling would make a small contribution to the stock of accessible housing and this is a public benefit to which I give, on balance, limited weight.

31. The appellant is of the opinion that the proposal would be beneficial because it would allow the continuation of the property as a dwelling, now and for future generations to come. However, 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. The proposal would provide additional space within the dwelling for the use of occupiers, but this is a private benefit and is consequently beyond the scope of this test. Thus, I do not find that there are, in this instance, public benefits sufficient to outweigh the harm that I have identified.
32. Even if I were to consider just the relocation of the toilet to the bedroom, it will be seen above that I have found that this would fail to preserve the special interest of the LB. Any benefit from relocating the toilet would be a purely personal benefit and so there would be no public benefits to outweigh the harm that I have found to the LB.
33. Even had I considered that the removal of the wall containing the remnants of the brick oven were a fully separable part of the works, I have found that this would result in harm that would fail to preserve the special interest of the LB. Any benefit from its removal would replicate the minor public benefit that I have identified above regarding improved accessibility and so would be outweighed by the harm to the heritage asset.
34. Policy EN27 of the Wealden Local Plan (1998) and Spatial Planning Objectives SPO2 and SPO13 of the adopted Wealden District Local Plan (2013), together with the guidance contained within Chapter 12 of the Wealden Design Guide SPD (2008) seek, among other things, to ensure that the scale, form and design of development respects the character of adjoining development and is of an appropriate high standard, ensure that the intrinsic quality of the historic environment is protected while promoting local distinctiveness through good design in all new development and that where alterations and extensions are acceptable in principle, they should normally be designed to be subordinate to the main building (both physically and visually) and sympathetic to its character, both original and existing. The proposal would not be consistent with these policies insofar as they apply.
35. Given the above and in the absence of public benefits that would outweigh the harm that would arise, I conclude that, on balance, the proposal, or any of the parts of the works suggested as being separable, would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act and paragraph 206 of the Framework and be inconsistent with policies within the development plan, insofar as relevant.

Other Matter

36. The appellant has expressed dissatisfaction with the way the application has been dealt with by the Council. In particular, he disputes the weight that can be given to the opinions of Council officers in comparison to those expressed by his consultant in the Historic Building Assessment accompanying the application. Both the Council and the appellant have employed professional

staff to advise them, and it is not uncommon for professional opinions to differ in regard to interpretation and weighting of information. I have determined this appeal having considered the evidence before me and my observations on site.

Conclusion

37. Given the above and considering all other matters raised, the appeal should be dismissed.

I A Dyer

INSPECTOR