



Appeal Decision

Site visit made on 6 August 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2024

Appeal Ref: APP/E2205/D/24/3336648

2 Byre Cottages, Pett Lane, Charing, Kent TN27 0DS

- 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 Mrs Smith against the decision of Ashford Borough Council.
 - The application reference is PA/2023/1994.
 - The development is proposed replacement rear dormer windows.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although there is no listed building consent application before me, the Council considers that the appeal property is curtilage listed; however, this is disputed by the appellant. Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states that for the purposes of the Act, any object or structure fixed to the listed building shall be treated as part of the listed building. The building which now incorporates Nos 1 – 3 Byre Cottages is physically attached to 'Cherry Cottage Hazel Cottage' (Ref: 1186076), which is a Grade II listed building.
3. I appreciate that the Council has not sought listed building consent for previous unauthorised works to the building. However, in accordance with the Act, I find that Nos 1 - 3 Byre Cottages form part of the listed building. Nevertheless, Section 66(1) of the Act requires me to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
4. To the rear of the appeal site is 'Tithe Barn to the South East of Pett Place' (Ref: 1362628), which is a mediaeval aisled timber barn and is Grade II* listed. To the north of the appeal site is a Grade I listed building, known as 'Pett Place' (Ref: 1071539), which was built in the early 18th century, but has a 16th century core. Adjacent to Pett Place are the remains of a mediaeval chapel, known as 'Ruins of Chapel at Pett Place,' which is a Grade II listed building (Ref: 1071540). I have had special regard to the desirability of preserving the setting of these listed buildings in the determination of these appeals and I am satisfied that there would be no harm to the special interest of these listed buildings through changes to their setting.
5. The site is located within the Kent Downs National Landscape (formerly known as an Area of Outstanding Natural Beauty). The Council has not raised any

concerns in this respect and even when giving great weight to the landscape and scenic beauty of the National Landscape, I see no reason to disagree.

Main Issue

6. The main issues are whether the proposal would preserve a Grade II listed building, known as 'Cherry Cottage Hazel Cottage' and any features of special architectural or historic interest that it possesses.

Reasons

7. 'Cherry Cottage Hazel Cottage' are a pair of semi-detached cottages, which date back to the 19th century. They are two storeys high and constructed of red brick, with grey headers. The cottages have a mix of traditional timber framed sash and casement windows. Attached to these cottages is a single storey, brick built building, which the appellant advises was historically used as a stable and then as a cattle byre. The attached building appears of some age. As a result of its simple form and design and its use of traditional materials, it is of architectural and historic merit.
8. The single storey part of the building was converted into 3 residential dwellings towards the end of the 20th century. As part of the conversion, dormer windows and rooflights were added to the rear of the building to incorporate accommodation within the roof.
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 architecture. The building's historic fabric, its traditional materials and fenestration and its pleasing architectural design make important contributions in these regards.
10. The proposal seeks to replace the existing timber windows within the rear dormers with white, vertical sliding, double glazed, UPVC sash windows. Double glazing is currently present on the existing building; however, the circumstances of the existing windows are not before me. The appellant advises that the existing windows are beyond repair and need replacing. However, there is no condition survey before me and I do not find that their current condition detracts from the appearance of the building. The proposal would not result in any loss of historic fabric, as the existing dormer windows are modern additions to the property. However, the existing windows utilise a traditional material and therefore respect the historic character of the building.
11. The proposed windows would be the same size, style and colour as the existing windows. The dormer sides and heads would not be altered and the windows would be set back the same depth within their reveal as the existing windows. The appellant advises that the windows would have a slim design to match the profile of the existing windows, have an authentic putty detail and a single external astragal bar. However, I find that the use of UPVC would have a materially different impact. Even with a grained finish, UPVC typically has a shinier, more uniformed finish and would be more modern in appearance when compared with the existing timber windows. The proposed UPVC windows would fail to capture the traditional character of the existing timber windows and would harmfully discord with the historic character of the building. As a

result, the proposal would fail to preserve the special interest of the listed building.

12. I appreciate that the proposed windows would be sited to the rear of the building and screened from the public realm by the existing built form and landscaping. Nevertheless, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
13. While I observed on my site visit other UPVC windows to the rear of Nos 1 – 3 Byre Cottages, there is limited evidence before me on the circumstances of these other windows. Furthermore, the existing UPVC windows are clearly distinguishable from the traditional timber windows and demonstrate that material harm can be caused to the historic environment by such development. As a result, I give the existing UPVC windows limited weight in my decision.
14. For the reasons given above, I find that the use of UPVC would fail to respect the historic environment in which the appeal site forms part and would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the planning balance of this appeal.
15. 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 clear and convincing justification. I find the harm to the listed building to be less than substantial in this instance but nevertheless of considerable importance and weight.
16. 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.
17. The appellant argues that the existing windows offer very poor insulation, cause condensation, rattle when windy and are becoming unsafe. The proposal would improve the thermal comfort of the bedrooms and result in improved living conditions for the occupant, which are private benefits. While the proposed windows would be more energy efficient than the existing windows and address the appellant's safety concerns, there is no compelling evidence before me why similar benefits could not be achieved through an alternative, less harmful scheme that utilises a traditional material. Accordingly, these factors only carry limited weight as a public benefit in favour of the proposal. The proposal would also 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.
18. There is no substantive evidence before me to suggest that the use of the building would cease in the absence of the proposed changes. As a result, I do not find the proposal necessary to secure the viability and long-term conservation of the building.
19. Overall, there would be limited public benefits from the proposal. Consequently, in attributing great 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.

20. While I note that the Parish Council support the application, this does not alter my findings as set out above.
21. Given the above, I conclude that, on balance, the proposal would fail to preserve the special interest of the listed building. The proposal would fail to satisfy the requirements of the Act and paragraph 203 of the Framework. It would also conflict with Policy ENV13 of the Ashford Local Plan 2030, adopted February 2019. This policy among other things requires that proposals preserve or enhance the heritage assets of the Borough, sustaining and enhancing their significance.

Conclusion

22. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A James

INSPECTOR