



Appeal Decisions

Site visit made on 6 August 2024

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2024

Appeal A: APP/P1425/Y/24/3340503

8 High Street, Ditchling, East Sussex BN6 8TA

- 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 Ms Claire White against the decision of South Downs National Park Authority.
- The application reference is SDNP/23/04467/LIS.
- The works proposed are described in the application form as:

'Porch:

Remove existing brick and rendered side wall to the west side (High Street facing) of the porch. Build new flemish bond wall using old stock brick to the west side (High Street facing) of the porch. Capping timber with centre post. Paint all porch timber "off black". Remove and reposition rainwater goods on porch and reposition downpipe to east side of existing porch. Replace existing fixings with traditional style fixing and traditional downpipe shoe. Paint "off black".

3 windows at south elevation:

Remove and replace crittall window with wooden casement single glazed 2nd floor south facing. Remove and replace existing window with wooden casement window single glazed at 1st floor south facing. Remove and replace existing uPVC basement window with wooden casement window, at floor level.

2 windows at west elevation:

Remove and replace wooden sash windows with like for like replacement due to rot damage beyond repair.

Fence & gate:

Retrospective permission for rear garden fence and gate.

Exterior redecoration & repair:

All existing windows, sills, woodwork, rendering, rainwater goods to be prepared and repainted with traditional palette. (Farrow & Ball colour reference provided in design statement).'

Appeal B: APP/P1425/W/24/3340529

8 High Street, Ditchling, East Sussex BN6 8TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Claire White against the decision of South Downs National Park Authority.
- The application reference is SDNP/23/04466/HOUS.
- The development proposed is described in the application form as:

'Porch:

Remove existing brick and rendered side wall to the west side (High Street facing) of the porch. Build new flemish bond wall using old stock brick to the west side (High Street facing) of the porch. Capping timber with centre post. Paint all porch timber "off black". Remove and reposition rainwater goods on porch and reposition downpipe to

east side of existing porch. Replace existing fixings with traditional style fixing and traditional downpipe shoe. Paint "off black".

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Exterior redecoration & repair:

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Decisions

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

Preliminary Matters

3. The description of works/development used in the banner heading above is taken from the applicant's amended application form dated 20 November 2023 which superseded the original application form dated 23 October 2023.
4. In response to South Downs National Park Authority's objections, the appellant's statement introduces an alternative proposal for the first-floor front windows to be repaired rather than replaced and suggests that conditions could be imposed to secure this. Nevertheless, no amended plans or any specific details have been provided to reflect this. The Planning Inspectorate's Procedural Guide¹ states that the appeal process should not be used to evolve a scheme and that it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the Local Planning Authority and by interested parties at the application stage. I have therefore decided not to accept this proposed amendment and have considered the proposals based on the details that were before the Council and interested parties when it determined the applications. Any revised scheme would be a matter for future consideration between the appellant and the Council.
5. As the proposals relate to a listed building and are in a conservation area, 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 Issues

6. The main issues are whether the proposals would preserve a Grade II listed building, known as '8-20 High Street' (Ref: 1353002), and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Ditchling Conservation Area ('the Conservation Area').

¹ Section 16 of Procedural Guide: Planning appeals – England (updated 20 August 2024)

Reasons

7. The appeal property is at the southern end of a terrace of seven brick 18th century properties, listed in 1979. Located on the east side of High Street in the centre of Ditchling village close to the crossroad with Lewes Road, the properties within the terrace historically formed part of the commercial core of the village, though they are now all in residential use.
8. No.8 incorporates a modern shop front with two historic wooden sash windows above, the later likely to date from the 19th century or earlier. Its extended south flank elevation with half hip gable end, includes a predominantly open porch with a more recent unauthorised full height infill added on its west side. The elevation also incorporates varied fenestration including a large crittall style window at second floor level and modern rendering at ground floor level. The other properties in the terrace are generally simple in form and appearance. They contain differing styles of windows and doors, including what appear to be some other examples of historic windows. The northern end property of the terrace features a contrasting front gable. The terrace has been subject to some rear extensions including the recent part two storey and part single storey extension to No.8 which replaced a previous extension.
9. Taking account of the above, I find the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the architectural and historic interest of a 18th century village high street terrace and, despite some more recent alterations, the evidence of traditional materials and construction techniques that contribute to its historic form.
10. The Conservation Area includes the historic central core of the village. The High Street contains a mix of historic residential and commercial properties, the scale, grain and texture of which evidence the evolution of the community and development within the village. The High Street and adjacent roads contain a range of historic building styles, including the appeal building, many evidencing traditional building materials and designs, including windows, which contribute positively to the character and appearance of the Conservation Area. Therefore, insofar as it relates to these appeals, the significance of the Conservation Area is primarily associated with the evidence of the historic commercial and residential development of the village, including the architectural and historical significance, of the listed buildings on High Street.
11. The proposals include a low old stock brick wall on three sides of the porch (with an opening retained for access on the south side), following the removal of the unauthorised existing infill panel on its street facing side. This proposed enclosure of the porch, albeit at only a low level, would partially interrupt the prominent south end elevation of the building. It would represent a further addition to the existing porch, the resulting overall appearance of which would be at odds with the generally simple historic form and appearance of the listed building. Although the existing infill panel would be removed, this is a relatively recent and unauthorised addition and therefore its removal is not a redeeming factor of any significant weight.
12. Therefore, whilst being only a relatively modest proposal in the context of the entire listed building, it would erode the historic and architectural integrity of the listed building and, taking account of its visibility within the streetscene, would adversely affect the character and appearance of the Conservation Area.

13. Whilst there is a broadly similar front porch extension to a building on the opposite side of High Street, its circumstances are not clear and its existence does not justify the proposed alterations to the porch at the appeal property which would be harmful to this listed building for the reasons outlined above.
14. Although their condition is clearly deteriorating, the two first floor sliding sash windows in the front elevation have historic and architectural importance including the glazing bars and the reflective qualities of the historic glass panes. It appears entirely possible to me that both windows are capable of being restored through a careful schedule of repair and there is no evidence before me to suggest that this would not be feasible. On this basis, I consider that their loss would undermine the historic and architectural integrity of the listed building and would be harmful to the character and appearance of the Conservation Area. Whilst the appellant refers to replacement windows on other historic properties in the village, I have no evidence of the particular circumstances or the condition of the windows they replaced.
15. Whilst I agree with the Council that, subject to detailed specification, the other alterations to the building, including the more sympathetic replacement of existing newer windows, are capable of being acceptable subject to relevant further detail where appropriate, they would not amount to such improvements that would outweigh the harm I have described above.
16. Given the above, I find that the proposals would fail to preserve the special interest of the listed building and would fail to preserve or enhance the character or appearance of the Conservation Area. Consequently, I give this harm considerable importance and weight.
17. Paragraph 205 of the National Planning Policy Framework ('the Framework') advises that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that any harm to, or loss of, the significance of a designated heritage asset through its alteration or destruction should require clear and convincing justification. Given that the proposed works would only affect part of the listed building including only a small part of its historic fabric, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
18. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposals, which include the securing of the optimal viable use of listed buildings. The replacement windows may lead to improvements for energy efficiency and the living environment of the property. However, it appears that such benefit could still accrue to an extent from the appropriate repair and maintenance of the windows. The appellant also argues that the alterations to the porch are required to prevent dampness, though little evidence has been provided to clearly demonstrate and explain the cause of the dampness. Furthermore, 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. I also acknowledge the potential for limited benefit to the integrity of the listed building arising from the other proposed works. However, the overall public benefits would be modest and would be outweighed by the harm I have identified.

19. Given the above, I conclude that the proposals would fail to preserve the special interest of the Grade II listed building known as '8-20 High Street' and would neither preserve nor enhance the character or appearance of the Conservation Area. This would fail to satisfy the requirements of the Act and would be contrary to the relevant heritage and design aims of Policies SD12, SD13 and SD15 of the South Downs Local Plan 2019, Policy CON3 of the Ditchling, Streat and Westmeston Neighbourhood Development Plan 2017 ('the Neighbourhood Plan') and the Framework.
20. The Council's planning reason for refusal includes reference to Policy CON4 of the Neighbourhood Plan. As this policy relates solely to assets of archaeological importance, I have found no conflict with it. However, this has no bearing on my overall conclusions in the determination of either appeal.

Other matters

21. For the avoidance of doubt, even were the west elevation windows to be satisfactorily retained and restored, the harm to the listed building arising from the alterations to the existing porch would still be the overriding consideration.
22. The applicant refers to inconsistencies in advice received from different Council officers and difficulties it has faced during the application process. However, these matters are outside my remit for these appeals, my decisions being based on my assessment of the main issues and taking account of my statutory duties.

Conclusion

23. For the above reasons I conclude that the appeals should be dismissed.

David Cliff

INSPECTOR