

Appeal Decision

Site visit made on 20 August 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2024

Appeal Ref: APP/X2220/Y/24/3344672

Dambridge Oast, Dambridge Farm Road, Wingham CT3 1NQ

- 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 Rahman against the decision of Dover District Council.
 - The application reference is 23/00812.
 - The works relate to a proposed single storey extension.
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Decision

1. The appeal is dismissed.

Application for costs

2. A costs application has been made by Mr and Mrs Rahman against Dover District Council, which is the subject of a separate Decision.

Preliminary Matters

3. As the appeal relates to a listed building, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires me 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.
4. This appeal relates solely to the refusal of listed building consent. The associated planning appeal is not before me.
5. As part of the process of decision-making, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which 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.

Main Issue

6. The main issue is whether the proposal would preserve a Grade II listed building known as 'Oasthouse 30 metres to north of Dambridge Farmhouse' (Ref: 1070082), and any of the features of special architectural or historic interest that it possesses.

Reasons

7. The Oasthouse was constructed in the 19th century. It is a large, detached building, which is constructed of red brick in Flemish bond and has hipped peg tiled roofs. It has a 'T' shape planform and comprises of storage ranges and two kilns. The building was converted to a residential dwelling towards the end of the 20th century and has been subject to change over time, including the removal of the original pyramid kiln roofs; insertion of mid height doors within each kiln; and, alterations to the planform. The oast was originally attached to a range of buildings, which were removed in the 20th century. A detached outbuilding, which provides a double garage and ancillary accommodation¹ has recently been constructed to the north of the Oasthouse. New dwellings have also been constructed opposite the site.
8. Based on my site visit and the evidence before me, I find that the listed building's special interest insofar as is relevant to this appeal is derived from its historic and architectural interest, as an illustration of 19th century agricultural architecture. Despite changes over time, including the removal of the kiln roofs and changes to the internal planform, to this day, the distinct agricultural form of the Oasthouse remains legible. Although not shown on the plans, the outline of a blocked-up former 'fire hole', with segmental brick arch above is visible on the north elevation of the Oasthouse. The surviving historic fabric, traditional materials, features relating to its former use, including the 'fire hole', its largely blind elevations and T-shape plan form make important contributions in these regards.
9. A relatively narrow gap provides both physical and functional separation between the Oasthouse and the detached outbuilding. The proposal seeks to construct a glazed link between these two buildings. Of itself, the proposed glazed link would occupy a modest footprint and be of a scale that would appear subservient in relation to the Oasthouse and the outbuilding. The lightweight, frameless design and glazed form would maintain some sense of visual separation between the two buildings. However, the proposal would physically join the Oasthouse to the outbuilding. This would result in the outbuilding being physically and functionally linked to the Oasthouse. In combination with the existing outbuilding, the glazed link would significantly elongate the building, resulting in a large, modern addition that would appear incongruous attached to the former agricultural building and would harmfully erode its 'T' shaped planform.
10. The glazed link would utilise contemporary and modern materials, which would harmfully discord with the traditional and authentic agricultural character of the Oasthouse. Even if the framing of the glass panels could be

¹ Application ref: 22/00241

sought by condition, this would not mitigate for the creation of a new opening within the north elevation of the Oasthouse and its impact on part of the building which is generally devoid from openings and glazing.

11. The precise relationship between the 'fire hole' and the proposed link is unclear from the submitted plans. However, even if this feature would be physically unaffected, it is likely that the proposed link would be very close to it and would undermine the integrity and architectural interest of this part of the Oasthouse. Not only would the traditional form of the Oasthouse be weakened, the proposed new door opening would result in the loss of historic fabric, which according to the appellants' Heritage Statement is original and dates back to the 1880s. The loss of historic fabric would be harmful to the special interest of the listed building.
12. Given the siting and modest size of the proposal, it would not be visible from the public realm. 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. For the reasons given above, the proposal would fail to preserve the listed building or the features of special architectural or historic interest, which it possesses. I give this harm considerable importance and weight in the determination of this appeal.
14. Bearing in mind the scale and nature of the proposal, in the terms of the National Planning Policy Framework 2023 (the Framework), the harm to the significance of the Oasthouse as a designated heritage asset would be less than substantial. 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.
15. The appellants states that the proposal would add value to the listed building because it would enable the building to evolve and provide for inter-generational living, which would have a positive contribution to the local housing market. However, there is no compelling evidence before me why the outbuilding could not be converted to provide accommodation for the elderly relative, without the link. There is also limited justification before me why the proposed works are the only or least harmful way of facilitating the use of the Oasthouse as a multi-generational living space. Such benefits would largely accrue to the appellants and be a private, rather than a public benefit.
16. The proposal would result in investment into the property, and there would be economic benefits relative to the construction phase. There is no substantive evidence before me that the proposal is necessary in order to secure the optimum viable use of the asset. Even cumulatively, the public benefits of the proposal would be limited and not sufficient to outweigh the harm to the designated heritage asset and the great weight this carries. The proposal would fail to accord with the historic environment protection policies of the Framework.

Other Matters

17. My attention has been drawn to a glazed link extension at The Studio, Harris's Alley, Wingham.² The Council advises that The Studio is a modern addition to the listed 33 High Street, which is now independent from the listed building. It appears from the evidence before me, that the scheme at The Studio was not attached to the historic part of the listed building, neither did it result in the loss of any historic fabric. As a result, it is materially different from the appeal scheme before me and I give it limited weight in my decision.
18. The individual special interest of a listed building is inevitably nuanced, so too is the effect of a specific proposal on that special interest. The appellants also reference other glass extensions and conservatories on listed buildings in the locality that have been granted consent³ or allowed at appeal⁴. None of the other schemes relate to oasthouses, nor link large modern, outbuildings to a listed building. The other schemes also do not appear to result in the loss of historic fabric. As a result, the other schemes are materially different to the scheme before me and I give them limited weight in my decision.
19. I note that the Parish Council were supportive of the application and that no objections were received from third parties. However, this does not alter my decision.
20. There is limited information before me in respect to the location, form, scale or use of the former outbuildings, which were historically linked to the Oasthouse. I do not consider that any pre-existing structures justify the creation of what would essentially be a large domestic adjunct to the Oasthouse, nor the harm to the special architectural or historic interest that the proposed link would cause.
21. The appellants seek to utilise the outbuilding as ancillary accommodation that would be occupied by an elderly relative who is in poor health. I have had due regard to the PSED and recognise that the proposal could provide the opportunity to advance its aims by meeting the needs of an elderly person. However, this is set against the well-established and legitimate aim of the desirability of preserving listed buildings and the conservation of heritage assets in the wider public interest.

Conclusion

22. For the above reasons, I conclude that the appeal should be dismissed. Having due regard to the PSED, dismissing the appeal is a proportionate response in this case.

A James INSPECTOR

² Application ref: 19/00860

³ Application refs: 21/00449 and 17/00260

⁴ Appeal refs: APP/W0530/W/22/3297712 & APP/W0530/Y/22/3297719; APP/K5600/W/18/3212418 & APP/K5600/Y/18/3212423; APP/U2750/W/24/3337961 & APP/U2750/Y/24/3337963; and, APP/E2205/W/19/3235050 & APP/E2205/Y/19/3235052