



Appeal Decisions

Site visit made on 3 September 2024

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2024

Appeal A Reference: APP/D3830/W/24/3344396

The Toll House, 56 High Street, Lindfield RH16 2HL

- 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 Mr J Perez against the decision of Mid Sussex District Council.
 - The application Reference is DM/23/0907.
 - The development proposed is described in the application form as 'reconfigure the rear modern ground floor layout and minor amendments throughout the property, such as insulation, removal of modern breezed block wall and restoration of the main fireplace'.
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Appeal B Reference: APP/D3830/Y/24/3344398

The Toll House, 56 High Street, Lindfield RH16 2HL

- 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 J Perez against the decision of Mid Sussex District Council.
 - The application Reference is DM/23/0908.
 - The works proposed are described in the application form as 'reconfigure the rear modern ground floor layout and minor amendments throughout the property, such as insulation, removal of modern breezed block wall and restoration of the main fireplace'.
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Decisions

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

Preliminary Matters

3. Notwithstanding the description of the proposals used in the banner heading above (which is taken from the planning/listed building application form), the proposals also include other elements as listed in the Council's decision notices including removal of part of a rear addition, erection of a single storey rear extension, rebuilding of a party wall and a new front boundary fence and gate.
4. For the avoidance of doubt, I have not taken into consideration the previously proposed porch, side gate and bin store that the appellant now wishes to be removed from the appeal proposals. Updated drawings showing the omission of these elements have been provided with the appellant's final comments. Even were I to have included these in my considerations, they would not alter my overall decisions to dismiss the appeals and I do not consider that any party has been unfairly prejudiced by their omission.
5. As the proposals relate to a listed building and are located in a conservation area, I have 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 (i) whether the proposals would preserve a Grade II listed building, known as 'The Toll House' (Ref. 1025456), and any of the features of special architectural or historic interest it possesses and (ii) the extent to which it would preserve or enhance the character or appearance of the Lindfield Conservation Area ('the Conservation Area').

Reasons

7. The Toll House is a timber framed building dating back to the 16th century or earlier. Significant additions to the building were made in the 17th century including an additional front bay and additions to the rear. Further historic alterations were carried out in the 18th and 19th centuries including to fenestration and the development of outbuildings to the rear. The building contains considerable evidence of historic features. These include a large stepped external stone and brick chimney stack at the rear of the building. The building is currently used as a single dwelling, having previously also been in commercial use and, historically as its name suggests, as a toll house. It also appears to have historic association with the adjacent No. 54 High Street 'Broomfields'.
8. Given 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 this historic village centre high street building, including the use of traditional materials and construction techniques. The historic alterations and additions to the building evidence the use of different materials and the historic phasing of the building indicative of its changing patterns of use.
9. The Conservation Area includes the historic central core of Lindfield. It includes many historic buildings containing a rich variety of architectural styles and detail including traditional building materials. High Street curves upwards toward the focal point of All Saints Church. Insofar as it relates to these appeals, the significance of the Conservation Area is primarily associated with the evidence of historic commercial and residential development, including the architectural and historic significance of the listed building within it, including the appeal building which contributes to its significance.

Listed building

10. Insofar as the updated proposals are concerned, the main issues of disagreement between the main parties relate to the proposed rear extension, the loss of the existing lean-to and outbuilding, and the proposed internal insulation. I have therefore focused on these elements.
11. The existing lean to and outbuilding (and the flat roofed link) on the south side of the rear garden would be removed to make way for the proposed rear extension. The brick lean-to, although dating from the later 18th/early 19th century, appears to retain only a limited amount of its historic fabric and the larger outbuilding along the south boundary appears from the evidence to originate from, at the earliest, the late 19th century based on the appearance of the bricks used, or possibly early 20th century utilising reclaimed bricks. I therefore consider that the lean-to extension has some, albeit limited, historic value in evidencing the historic phasing and development of the overall

building. Although the appellant argues that the removal may reveal evidence of the putative stair tower it is not clear what such evidence would amount to, given the previous removal of the stair tower. The outbuilding, whilst signifying a later phase in the historic development of the property, has limited architectural value. The harm to the special interest from the removal of these buildings would therefore be minor.

12. The proposed extension, providing a new kitchen/dining room, would extend across the full width of the existing building between the two side boundaries and would be of a considerable size and depth. Despite the proposed glass roof and the large window and door openings, taking account of its size, the rendered rear façade with a projecting element adjacent to the south boundary would not in my view amount to it appearing as a lightweight addition as described by the appellant. It would lead to a disproportionate and incongruent addition that would unacceptably dominate the rear elevation as well as distracting from the proportions and layout of the existing building. The location of previous outbuildings of substantial width to the rear of the existing building, associated with previous uses of the building, does not justify the harm arising from the extension now proposed.
13. Whilst the historic fabric of the main building would not be directly disturbed, the design and scale of the proposed extension, including the hipped glass roof, would erode the legibility of the external stone chimney stack. Despite evidence being provided of internalised chimneys on other historic buildings, given the positive contribution of the chimney to the special interest in this case and the harm arising from the size and form of the extension, these other examples do not provide any significant justification for this proposal. The photograph provided of 86 High Street in East Grinstead appears to show an historically internalised chimney stack within a lean-to extension of some age that appears to be more in keeping with the building to which it is attached than is the case with the appeal scheme. Although the stack would be visible from within the extension, its integrity would be compromised by the form of the extension around it.
14. Despite the considerable size of the outbuildings to be removed, these are located on one side of the rear garden and do not dominate the rear elevation of the building in the unacceptable manner that would arise from the proposed extension.
15. Although there are no public views of the rear, the building is listed for its intrinsic architectural and historic interest and public visibility of the proposed extension is not a determining factor in considering whether it would preserve its special interest.
16. Overall, I conclude that the proposed extension following the removal of the existing buildings would undermine the historic and architectural integrity of the listed building.
17. The appellant has clarified that the proposed internal wall insulation would have a depth of 90mm and I am satisfied that this would not lead to any significant effect on the proportions of each of the affected rooms. The details provided, including a typical wall section, of the insulation incorporates a breathable membrane with lambs wool and indicates that existing features such as historic timbers could be avoided. However, the further detailed design and construction method of any such insulation would in each case

require careful consideration to preserve the historic fabric and special interest of the building. Without such details it is not possible to fully assess the effect on the historic fabric and internal appearance of the building. Therefore, based on the information currently provided, notwithstanding the appellant's agreement to provide further details at a later stage, there is potential for the proposed insulation to adversely affect the special interest of the building.

18. Overall, the proposed development would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight.

Conservation Area

19. The proposed rear extension would not be visible from the public domain and would have limited visibility from the private domain. The existing rear extension and outbuildings likewise have limited visibility. Unlike listed buildings, the significance of the Conservation Area is dependent on how it is experienced and proposals must be judged according to their effect on it as a whole and therefore must have a moderate degree of prominence in these domains. Therefore, notwithstanding the harm to the listed building described above, given the limited visibility and prominence, the proposals would preserve the character and appearance of the Conservation Area.

Other Matters

20. From the details provided the emerging District Plan 2021-2039 is not yet at stage where any more than limited weight can be applied to its policies. It therefore has no material bearing on these appeals.

Planning balance

21. Paragraph 205 of the National Planning Policy Framework ('the Framework') advises that when considering the impact of a development on the significance of 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 from its alteration or destruction, or from development within its setting, should require clear and convincing justification. Given that the proposals would preserve the large majority of the historic fabric and the extension would be located to the rear, I find the harm to the listed building to be less than substantial in this instance but nevertheless of considerable importance and weight.
22. 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 the listed building. The proposals would provide for a new kitchen/dining area which the appellant argues is needed to ensure its usability as a modern family home, bearing in mind the size of the existing kitchen and the previous commercial use of the building. Nevertheless, whilst noting the size of the existing kitchen, I am not persuaded that an extension of the size and form proposed is necessary to secure the optimal viable use of the building. The building also has a current and ongoing residential use and there is not any robust evidence to demonstrate that this would cease in its absence. Furthermore, given the considerable depth of the extension, the size and dimensions of the rear garden would not be so significantly improved. In any case, I am not persuaded that the existing garden size is critical to the on-going residential

use. These matters are therefore primarily a private rather than a public benefit.

23. I acknowledge that those uncontested parts of the proposals involving repair works to the existing building have potential heritage benefits in terms of maintaining and preserving its special interest. Whilst such works are capable of being carried out independently of the other aspects of the proposals, I have taken them into account as material public benefits.
24. Overall, I find that the public benefits would be outweighed by the harm I have identified. I conclude that the proposals would fail to preserve the special interest of the listed building. This would fail to satisfy the requirements of the Act and would be contrary to the relevant heritage and design aims of Policies DP26 and DP34 of the Mid Sussex District Plan 2014 to 2031 and the Framework.

Conclusion

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

David Cliff

INSPECTOR