



Appeal Decision

Site visit made on 29 October 2024

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2024

Appeal Ref: APP/J2210/W/23/3334121

Walnut Tree Farm, Walnut Tree Lane, Westbere, Kent CT2 0HG

- 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 Dr Gerald Mason against the decision of Canterbury City Council.
 - The application reference is CA/23/00888.
 - The development proposed is described as: *the erection of a multi storey eco-autonomous greenhouse, for the cultivation/growing of salad greens, herbs, vegetables and berries, for personal, family and guests' consumption. And furthermore for the benefit of ecologically and environmentally aware neighbours and village dwellers at cost.*
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of development set out in the Council's decision notice is "*erection of five storey greenhouse in rear garden*". This is a change from the description given in the application form which the appellant has not agreed to. The description of development set out above is taken from the application form.
3. As this proposal affects a listed building and a conservation area, I have kept in mind the requirements of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main issues

4. The main issues are the effect of the proposal on:
 - the historic environment; and
 - the living conditions of neighbouring residents.

Reasons

Historic environment

5. The designated heritage assets relevant to the appeal are the Westbere Conservation Area, which the site is located within, and the appeal property itself (listed as Walnut Tree Farmhouse) which is a Grade II listed building. No works are proposed to the listed building. The issue for this appeal is the effect on the significance of the listed building through development within its setting.

6. The conservation area covers the village of Westbere, which comprises winding rural lanes along which there are several historic vernacular houses interspersed with more recent development. The relationship of the houses to the lanes varies, with some houses (including the appeal property) set close to the roads whilst others are set back within substantial plots. The predominant building materials are red brick and clay tile roofs, with some use of weatherboarding. Wooded areas around the village and mature trees and vegetation within the village make a significant contribution to the character and appearance of the area, which has a generally spacious and verdant feel. The village is on the side of the valley of the River Stour. The conservation area is characterised by changes in levels and longer views out over the valley to the south. All of these features contribute to the character and appearance of the conservation area and its significance as a designated heritage asset.
7. Walnut Tree Farmhouse has a roughly triangular plot at the junction of Walnut Tree Lane and Bushy Hill Road. The house faces south, onto Walnut Tree Lane, and Bushy Hill Road runs along the north west side of the garden. To the east of the plot there are houses at The Barn and Walnut Tree Barn which have the appearance of converted farm buildings. There are numerous trees within the appeal site, including lines of tall conifers along the boundaries with Bushy Hill Road and The Barn. Within the site, there is a section of wall running north/south which, the appellant explains, is all that remains of a large stable block which was shown on a survey of 1895 and in an arial photograph from the 1970s. Overall, the appeal site makes a positive contribution to the character and appearance of the conservation area.
8. The proposed greenhouse would occupy the space between the old wall and the site boundary with The Barn, partially oversailing an existing garage adjacent to the house and running back most of the way to the northern tip of the garden. The structure would be raised on stilts, with a shaded area for cultivation at garden level. Although the appellant characterises the proposal as a predominantly two storey structure, there would be significant built elements at second and third floor levels. The fourth floor would be a smaller element. The roof level would be accessible, with an enclosure and railing at this level adding to the overall height of the structure.
9. I appreciate that the design seeks to modulate the scale and mass of the building, by stepping the volume down at the upper levels and by sloping parts of the elevations. Even so, I consider that the large footprint of the structure, when combined with its constrained siting up against the eastern boundary and its overall height, would be wholly out of proportion to this garden setting. Whilst the boundary trees may filter views to some extent, the height and scale of the building would be readily apparent from viewpoints in Walnut Tree Lane, Bushy Hill Road and neighbouring properties. In any event, single rows of trees such as these cannot be relied on for screening in the longer term as individual trees may be removed or lost to disease or storm damage.
10. The appellant describes this as a "*lightweight*" structure. However, in my experience, buildings clad in glass do not necessarily appear lightweight. In this case, there would also be solid components such as the steel frame, a staircase and a solar energy thermal mass storage system. The future contents of the building, the proposed use of obscure glazing on the eastern elevation and the effects of internal lighting would all affect the way the building is perceived. Moreover, the appearance of glazed buildings varies

according to light conditions. The upper floors would be seen in longer views from the south and are likely to be highly visible at times when they reflect sunlight.

11. The proposed building would have extensive, tall elevations clad in steel-framed glass. These materials are not characteristic of the conservation area. To my mind, the proposed design would have an engineered quality, more associated with commercial buildings than ancillary garden structures. It would not sit comfortably in this conservation area setting.
12. My overall assessment is that the proposed building would be prominent and would appear cramped, out of proportion to its surroundings and in stark contrast to the site context. It would fail to preserve the character and appearance of the conservation area.
13. The house was listed in 1980 as "*Walnut Tree Farmhouse*". The listing description notes that it is an L shaped building dating from the early 18th century, with the rear wing dating from the early 17th century. The front wing is built of red brick with a hipped tiled roof. The house has significance as an example of the architecture of the time and through the layers of history that it represents. Although the farmstead has now been subdivided, the farmhouse provides evidence of how the village has changed over time. The garden setting, and the wider setting within Westbere, make a positive contribution to the significance of the heritage asset.
14. The remains of the former stable block appear to be a historic structure which should be regarded as being listed by virtue of being within the curtilage of the listed house. The wall would remain where it is and no works to it are proposed.
15. The scale and height of the proposal would erode the garden setting of the listed building and would be out of proportion to the host dwelling. The ability to discern the layout of the former farmstead would be reduced. Moreover, the proposed design and materials would be incongruous and out of keeping with the design and materials of the listed building. In views from Walnut Tree Lane, the south elevation would be seen to one side of the frontage building, rising above a garage. The height and design of the proposal would compete with the listed building and distract from the ability to experience it.
16. I conclude that the proposal would fail to preserve the setting of the listed building. Moreover, as a result of harm to its setting, it would be harmful to the significance of the listed building.
17. The proposal would conflict with Policy DBE3 of the Canterbury District Local Plan (CDLP) in that it would fail to protect and enhance the distinctive character and quality of the district and would have an adverse visual impact on local townscape character. It would also conflict with CDLP Policies HE1, HE4, HE6 and HE8 which together seek to protect and conserve the historic environment, including listed buildings and conservation areas.
18. In the terms of the National Planning Policy Framework (the Framework), the harm to both the listed building and the conservation area would be less than substantial harm. However, this does not mean that the harm would be minor or insignificant. The Framework makes clear that great weight should be attached to conserving the significance of designated heritage assets.

Consistent with the Framework, Policy HE1 states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. I return to that balance below.

Living conditions

19. The dwelling that would be most affected is The Barn, a two storey detached house situated to the east of the appeal site. As described above, The Barn has a common boundary with the appeal site. The Barn has windows facing towards the common boundary and there is an area of garden, enclosed by fencing, between the house and the site of the proposed greenhouse.
20. The proposed greenhouse would be located close to the common boundary, directly in front of the west elevation of The Barn. I note that the potential for overlooking could be addressed through the use of obscure glazing. This is something that could be secured by a condition. Moreover, the outlook from The Barn is already impacted by a row of tall trees within the appeal site. However, this single row of trees would not fully screen the proposal and, in any event, could not be relied on in the long term for the reasons discussed above.
21. I consider that the height of the proposal, combined with its proximity to the western elevation of The Barn, would result in an unduly overbearing and enclosing effect. This would be harmful to the living conditions of the occupiers of The Barn. The proposal would also have an unduly overbearing and enclosing effect on the garden of The Barn, resulting in further harm to living conditions.
22. Although they would be very prominent, the tallest parts of the proposed greenhouse would not be directly in front of the west elevation of the barn. Even so, I consider that the two storey element of the greenhouse would be sufficiently close to The Barn to result in a harmful loss of daylight to ground floor windows in the west elevation.
23. I conclude that the proposal would be harmful to the living conditions of the occupiers of The Barn. This would conflict with CDLP Policies DBE3 and DBE6, which together seek to protect the amenity of neighbouring occupiers, having regard to outlook and light amongst other matters.

Other matters

24. The appellant argues that the proposal is an innovative form of design that would bring environmental benefits, through the incorporation of sustainable design features and by producing food, thereby reducing food miles and carbon footprint. Whilst I agree that the design is innovative, the sustainable design features identified (such as, for example, the solar energy thermal mass storage system) would mitigate the impact of the development rather than providing a net environmental benefit. Whilst local production of food is capable of reducing food miles and carbon footprint, I consider that this would be a relatively minor benefit in this case.
25. Local residents and the Parish Council argue that the proposal is not purely for the personal use of the household. They suggest that it would amount to a commercial operation, which would generate additional traffic along the village lanes. Whilst I note the appellant's reference to potential sale of produce to

others in the village, it appears to me that the primary purpose of this proposal is as a garden building, ancillary to the dwelling house. The Council appears to have approached its decision on this basis and I have taken the same approach.

26. The appellant states that there was previously a stable block in the same location as the appeal proposal. However, only a remnant of that building remains and the site context has changed with the subdivision of the former farm group. In any event, there is no evidence that the appeal proposal bears any resemblance to any structure that previously existed here. This point does not alter my conclusions on the appeal scheme.

Conclusion

27. The proposal would be harmful to the significance of the Westbere Conservation Area and to the significance of the Grade II listed Walnut Tree Farmhouse. I attach great weight to the harm to each designated asset. For the reasons given above, I consider that any public benefits associated with the proposal would be minor, and would not outweigh the harm, either to the conservation area or to the listed building.
28. The proposal would be contrary to the development plan. There are no considerations that indicate a decision other than in accordance with the development plan. It follows that the appeal should be dismissed.

David Prentis

Inspector