
Appeal Decision

Site visit made on 22 July 2025

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 4th August 2025

Appeal Ref: APP/H2265/Y/25/3359617

34 King Street, West Malling, Kent ME19 6QT

- 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 Simon Brunt against the decision of Tonbridge and Malling Borough Council.
 - The application Ref is TM/24/01353/PA.
 - The work proposed is the change of colour to front elevation, from magnolia to light pink.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have based the description of the proposed works on that given in the appellant's application and appeal forms. However, for the purpose of my banner heading above, I have shortened this description to more precisely describe the works.
3. I have a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) 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. Although the Council's decision notice references harm to the West Malling Conservation Area this is not a consideration in relation to a listed building consent application. I have therefore not considered this matter in my decision.

Main Issue

5. The main issue is whether the proposed works would preserve the special interest and significance of a Grade II listed building (listed as 34 King Street, Ref.1209115) or any features of special architectural or historic interest which it possesses, and whether its significance as a heritage asset is preserved.

Reasons

6. The list description for 34 King Street (No.34) mentions, amongst other things, that the house is a late medieval building re-fronted and underbuilt in the early 19th century. It mentions the painted brick ground floor and plastered first floor to the front, together with an old tiled roof, and describes the arrangement and detail of the windows. For the purposes of this appeal, the building's significance derives from its function, age, historic fabric and its architectural features.

7. The property forms part of a continuous terrace of listed buildings along King Street, extending from No.26-38 (even) which are together identified in their list descriptions as having group value. Having reviewed each of these descriptions and assessed the buildings on site, it is evident that, although groups of the buildings have distinct identities, they share similarities in terms of their age, fabric, form, massing and general appearance. In particular, No.36 (Avicia Cottage) adjoining the appeal building shares common features with it, including the late medieval date, evidence of re-fronting and underbuilding, and having a consistent eaves line and similar arrangement of windows and doors. These features and the similar list descriptions suggest to me that Nos 34 and 36 may have been part of the same building, shared a common ownership or have been built at the same time.
8. The terrace of listed buildings forms an attractive range of vernacular properties which follows the narrow, sinuous line of the street. They are viewed together and are visually complimentary with no particular building or feature detracting or drawing the eye. Together these buildings are an important historic group which is representative of the medieval origins of the settlement and their collective, group value adds considerably to their special interest and significance. A clearly defining feature which helps unify the group is the limited colour palette of the walling which is predominantly muted tones of white and cream.
9. The appellant wishes to paint the front elevation of No.34 in Sandtex Somerset Pink masonry paint which is described as a light shade of warm pink. The appellant considers that the existing magnolia colour is rather bland and boring and that the building has been this colour for many years. The proposed colour is intended to enhance and brighten the property.
10. Although the appellant suggests that pink and other colours besides white and cream are common in nearby settlements, I have few details as to where these properties are or whether they represent a similar group of listed buildings. Therefore, I am not certain that there are comparable examples in the local area. Nor is there compelling evidence of pale pink buildings near to the appeal property, and I did not see any when I walked around the area. Instead, I saw that the main colour scheme for painted walling in the general area appears to be similar to that of the listed terrace along King Street. In addition, there is little to suggest that the appeal building has ever been painted pale pink or a colour other than white or cream. Therefore, although I recognise that the pink colour would be relatively pale and muted, and it may not be overpowering, I remain unconvinced that the proposed colour would be historically appropriate for this building. The proposal would therefore harm the building's special interest and significance.
11. The proposed painting of the appeal property would also erode the visual unity of the listed terrace, making this one property noticeably different. This would be particularly harmful in relation to No.36 alongside because if their shared features and possible origins as one larger building. The proposal would therefore detract from the visual cohesion of the group, would be clearly seen in the streetscape, and would harm their shared group value.
12. I have few details of the existing facing materials at No.34 or the technical details of the proposed paint, including its breathability. Therefore, I am unable to judge the appropriateness of the proposed paint product and its likely effect on the historic fabric, which may include timber framing.

13. The building may have been a muted, magnolia colour for some time and similar to nearby, historic properties but this suggests to me that these enduring colours are appropriate for their age and character. The buildings may have previously been unpainted brick, exhibited more exposed timber framing or may have been subject to other changes. However, there is little to suggest that the appeal property was intended to visually stand out from the others in the terrace.
14. It is suggested by the appellant that the listed building regulations are out of date. However, that is not a matter for me and planning decisions must be made in line with the development plan and the National Planning Policy Framework (the Framework), unless material considerations indicate otherwise. In this regard, the Framework states that listed buildings are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Although neighbours and the Parish Council have not objected to the proposal, I am aware of my statutory duty, and I see no adequate reason to take a different view.
15. Considering the above, the proposed works would not preserve the special interest and significance of No.34, a Grade II listed building, or any features of special architectural or historic interest which it possesses, and its significance as a heritage asset would not be preserved. Therefore, the expectations of the Act are not met. Paragraph 212 of the Framework advises that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the asset and any such harm should have a clear and convincing justification. I find that the harm to the building's significance as a heritage asset would be a moderate level of less than substantial harm in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the works. The Framework advises that this harm should be weighed against the public benefits of the proposal. The wish to enhance and brighten the property appears to be mainly based on a personal preference rather than historic evidence and this is a largely private rather than a public benefit.
16. I therefore conclude that the public benefits identified would be of insufficient weight to outweigh the great weight to be given to the harm to the Grade II listed building. In addition, there is no clear and convincing justification for the harm. As such, the works would not comply with the Framework or Policy CP24 of the Tonbridge and Malling Core Strategy (2007) and Policy SQ1 of the Tonbridge and Malling Development Plan Document (2010) insofar as these are relevant.

Conclusion

17. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR