



Appeal Decision

Site visit made on 24 September 2018

by **Tim Wood BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2018

Appeal Ref: APP/V2255/W/18/3195906

Vicarage Cottage, The Street, Hartlip, Sittingbourne ME9 7TL

- 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 Mr Michael Karaloucas against the decision of Swale Borough Council.
 - The application Ref 17/505258/FULL, dated 9 October 2017, was refused by notice dated 14 December 2017.
 - The development proposed is demolition of the existing building and development of a replacement detached house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of consideration of this appeal the revised National Planning Policy Framework has been published. I have invited the main parties to make any additional comments in relation to this but none have been submitted. Nevertheless, I have taken account of the revised Framework in determining this appeal.

Main Issue

3. The main issue in this appeal is the effects of the proposal on the setting of the adjacent listed building and on the character and appearance of the conservation area.

Reasons

4. The existing building is a modest 2 storey house, said to date from around 1890. It appears to sit within the larger grounds of The Old Vicarage, which is a larger, more imposing detached property. Vicarage Cottage does not have its own well-defined curtilage with only a low hedge to mark a semblance of separation with The Old Vicarage.
5. The grade I listed St Michael's Church sits adjacent to the site. This is an imposing and important historic building, at the heart of this village. The church and the appeal site sit within the Hartlip Conservation Area.
6. Vicarage Cottage is constructed of red brick with tile hanging at first floor, some timber cladding and with a clay tiled roof. It has the appearance of a worker's cottage and the same is suggested in the appeal documents, although

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- not supported by evidence. Its materials and some elements of its design are in sympathy with the more imposing Old Vicarage, although there are many differences which distinguish the two.
7. Vicarage Cottage is set well back from The Street and is not obvious from views here. However, it can be seen from within the churchyard where its upper parts are visible, and from the remainder of the land around The Old Vicarage. Notwithstanding the limited vantage points, I consider that its design, its age and appearance combine to make a positive contribution to the character and appearance of the conservation area. The appellant acknowledges in his statement that it was likely that it was built to house an employee of the vicar (who himself would have resided at what is now The Old Vicarage) and I see this as strengthening the building's contribution to the area. Notwithstanding that the Council makes no objection to the design of the proposed new house, I find that the loss of the existing building would have a negative effect on the character and appearance of the conservation area through the loss of an attractive building of some age and charm, which additionally is likely to have some link with the adjacent Vicarage and church.
 8. In relation to the grade I listed church, I consider that the proposal clearly falls within its setting. From the appeal site, the church has a considerable visual presence. In my judgement, The Old Vicarage has a clear historic association with the church, although this functional relationship is now lost, but the visual relationship remains. The appeal building contributes to this relationship. In this respect, I consider that the replacement of this building would bring about the loss of a feature which makes a positive contribution to the setting of the church. Thus the setting would not be preserved.
 9. The revised National Planning Policy Framework states that when considering the impact of development on the significance of a designated heritage asset (in this case the Conservation area and listed building), great weight should be given to the asset's conservation, the more important the asset, the greater weight that should be; this is irrespective of the level of harm arising. It adds that any harm to or loss of significance of a designated heritage asset (including development in its setting) should require clear and convincing justification. I consider that the harm that would arise in relation to the conservation area and to the setting of the listed church would be 'less than substantial harm' as set out in paragraph 196 of the revised Framework. The Framework requires that any such harm should be weighed against the public benefits. Having considered the appellant's case, I find that there are no public benefits which are sufficient to outweigh the harm or loss of significance.
 10. In addition to the above points, the Council states that they consider that the existing Vicarage Cottage should be considered as a non-designated heritage asset; this is disputed by the appellant. Taking account of my conclusions set out above, this is not a matter that would be determinative in this appeal. However, I consider that there is some weight to the Council's argument and so, taking account of the design, age, appearance and likely associations of the Vicarage Cottage, it can be considered as a non-designated heritage asset and its loss adds weight to my conclusions.
 11. Reference is made in the documents to a previous refusal of planning permission by the Council, for a larger house and also to the subsequent informal advice of officers, prior to the submission of the appeal scheme to the

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Council. The appellant points out that the informal advice offered did not suggest any resistance to the loss of the existing building, as a matter of principle. This is mentioned in the officer's report. However, I note that it did form the basis of a reason for refusal in the previous application which must be taken as a formal determination by the Council. Whilst the omission of this in the informal advice is unfortunate, it cannot be binding on the Council and it is a legitimate matter for scrutiny in this appeal.

Conclusion

12. I have taken account of all other matters raised in the submissions but find nothing which leads me to a different conclusion. The proposal would represent development which would harm the local historic environment, contrary to Policies CP 8, DM32 and DM 33 of the Swale Borough Local Plan and the advice in the National Planning Policy Framework. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR