



Appeal Decisions

Site visit made on 18 August 2014

by **S J Papworth DipArch(Glos) RIBA**

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

Decision date: 22 August 2014

Appeal A: APP/V2255/A/14/2213211

Primrose House, Primrose Lane, Bredgar, Sittingbourne, Kent ME9 8EH

- 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 Trevor West against the decision of Swale Borough Council.
- The application Ref SW/13/1207, dated 24 September 2013, was refused by notice dated 19 November 2013.
- The development proposed is single storey lean-to rear garden room extension.

Appeal B: APP/V2255/E/14/2213219

Primrose House, Primrose Lane, Bredgar, Sittingbourne, Kent ME9 8EH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Trevor West against the decision of Swale Borough Council.
- The application Ref SW/13/1208, dated 24 September 2013, was refused by notice dated 19 November 2013.
- The works proposed are single storey lean-to rear garden room extension.

Decisions

1. I dismiss both appeals.

Main Issue

2. This is the effect of the proposals on the architectural or historic significance of the listed building and its setting within the Bredgar Conservation Area.

Reasons

3. The Council has cited Policies from the Swale Local Plan, E1 setting out general development criteria, E14 on development involving listed buildings, E15 on development affecting a conservation area, E19 concerning achieving high quality design and E24 on alterations and extensions. These are material considerations only in the listed building appeal, where section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply, but these policies appear in line with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, and the similarly worded section 66(1) with regard to the planning appeal. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The Council have also referred to supplementary planning guidance on listed

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buildings, and section 12 of the National Planning Policy Framework sets out the considerations with regard to heritage assets with paragraph 132 stating that great weight should be given to the conservation of designated heritage assets, such as listed buildings and conservation areas.

4. It needs to be made clear that the listing description is not a definitive list of the reasons for the building being listed, nor does it give detail of what is significant to the architectural or historic interest of the building, but it does set out to identify the building. Also, whilst conservation area considerations are more confined to what is in the public domains, listed building considerations can affect items that are hidden from view in voids and the like, and so the placing of the proposed works out of public view to the rear is not, in itself, a reason to grant permission and consent; listed buildings are to be preserved for their special interest.
5. The rear of the building retains historic and architectural significance to the area between two extensions. The extension to the southeast being the more recent, and it covers an area of the rear elevation from the south corner, but it is low and there is limited effect on the main proportions of the house. The northwest extension is higher but older. The presence of both of these extensions has had a cumulative effect on the rear elevation of the ground floor, leaving a limited part of the timber frame visible.
6. The proposed extension would be mainly glazed, with brickwork under the eaves of the south east extension to reconcile the lower level of that feature with the proposed glazed sidelights, and more brickwork as a dwarf wall. The roof would be inclined down from under the higher eaves to drain into the lower gutter, expressing a triangular area of framed glazing on the outward elevation. The drawings and supporting documents indicate that no chasing-in would be needed with soft-lime mortar and cut-tile weathering being proposed at the abutment with the original rear wall.
7. The proposed design would have two detrimental effects. One concerns the appearance of the raking glazing and roofline in elevation, which would disrupt the well-ordered roof slopes of the main house and its two extensions, both of which have been built to reflect the roof pitch and use of materials. As stated, the proposed cross-pitch would be expressed as increasing heights of glazing under a pitch that is not well-integrated with those of the previously extended building; its rationale appears to be to join the eaves levels rather than to respond to the existing architectural proportions.
8. The other shortcoming is in the degree of covering of the rear timber framing, due to the depth of the proposed garden room. It is acknowledged that the room would be set in from the rear wall of both extensions, and this does reduce the effect, and also that the effect on historic fabric would be negligible. But, the substantial depth still proposed would limit the degree to which the timber would be appreciated or would remain as part of the architectural or historic composition. The reason why a through route is desirable will be considered as a benefit later, but that route does not require this depth and the deeper the extension, the more the rear wall would be divorced from its setting and from performing its original role, and therefore the less clear would be the original ground floor plan form.
9. The garden room as proposed would cause harm to the presentation and understanding of the listed building and its rear garden setting, although the

effect on the conservation area would be limited to that caused by the erosion of the significance of the listed building, and its character and appearance as perceived from public views would not be adversely affected. Nevertheless, the harm to the listed building would be 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

10. From an inspection of the ground floor and garden, there does not appear to be a risk of the building falling into disuse, and viable use as a dwelling appears secure. The optimum use must however take account of its listed status. There does appear to be a convoluted route to get from the kitchen to the sitting room, which is caused by those rooms being in the two extensions, and thus separated by the gap between. In fact, this Decision does not call into question the possibility of there being a more discrete way of forming that direct route, it is just that the way now proposed fails through so firmly obscuring the rear wall, and through the treatment of the roof slope. There may well be some merit also in the protection that a glazed link might provide, but the proposed link is too large.
11. In conclusion, the only remaining part of the rear wall exposed at ground level has significance to the visual and historic integrity of the building and the garden room as proposed would not preserve the listed building and a feature of special architectural or historic interest which it possesses. The proposal would not accord with the aims of the Development Plan policies cited, and where appropriate to the two appeals, and would be contrary to the aims of national guidance and the statutory tests in the 1990 Act. The benefits do not outweigh the harm. For the reasons given above it is concluded that both of the appeals should be dismissed.

S J Papworth

INSPECTOR