Delegated Report

Householder and Listed Building Consent Applications

Planning Application No: 20260396
20260397

Location: Mill House Hermitage Road Higham Rochester

Description: 20260396 - Demolition of existing rear sun room and erection of a single storey rear extension with roof lights.

20260397 - Application for Listed Building Consent; Demolition of existing rear sun room and erection of a single storey rear extension with roof lights.

Applicant: Mr and Mrs Instance

Site Visit Date: Previous application 10.04.2025

Submitted Documents/Plans

- Application form;
- Drawing no. 01 Rev. A – Site Location Plan & Existing Block Plan;
- Drawing no. 05 Rev. A – Existing Plans;
- Drawing no. 06 Rev. B – Existing Elevations;
- Drawing no. 10 Rev. B – Proposed Plans;
- Drawing no. 11 Rev. C – Proposed Elevations;
- Response to Planning Department Rev. B;
- Planning, Design and Access and Heritage Statement by Morris Russell Planning; and
- Design & Access Statement with Heritage Statement by MKA Architects Ltd.

Relevant Planning History

Reference	Description	Decision	Decision Date

20250603	Application for Listed Building Consent; Demolition of rear sun room and erection of a single storey rear extension with roof light.	Refused	05.12.2025
20250602	Demolition of rear sun room and erection of a single storey rear extension with roof light.	Refused	05.12.2025
20181283	Application for approval of conditions 3, 4, 5, 6 and 7 attached to planning permission reference number 20171161 relating to samples of the tiles to be used for the dormer cheeks and roof, details and samples of the air vent tiles, details of the dormer roof and half or full size showing the joinery details and relationship of the window to the dormer cheeks and the dormer roof/sill, drawings to a scale of 1:5 and 1:2 of the roof lights and full details of all fire protection works required.	Approval of details	17.10.2019
20171161	Application for Listed Building Consent for the proposed construction of a dormer window in the front and rear roof slopes, one roof light and three high level vent tiles within each of the front and rear roof slopes and a roof light within the side roof slope.	Permitted	27.04.2018
20171160	Construction of a dormer window in the front and rear roof slopes, one roof light and three high level vent tiles within each of the front and rear roof slopes and a roof light within the side roof slope.	Permitted	27.04.2018
20160538	Application for Listed Building Consent for the construction of two roof lights in the front roof slope, two roof lights in the rear roof slope, one roof light in the side roof slope and associated internal fire proofing works in relation to conversion of roof space.	Permitted	04.10.2016
20160537	Construction of two roof lights in the front roof slope, two roof lights in the rear roof slope, one roof light in the side roof slope and associated internal fire proofing works in relation to conversion of roof space.	Permitted	04.10.2016
20090717	Application for Listed Building Consent for the replacement of four windows in front elevation, either side of the porch.	Permitted	12.01.2010
20090129	Application for Listed Building Consent for the replacement of four windows on the front elevation.	Withdrawn	15.04.2009
20070139	Application for Listed Building consent for the installation of replacement windows for all windows on main house.	Refused	10.04.2007
20040831	Erection of double garage and store at the front.	Permitted	04.11.2004
19940342	Erection of two storey side extension to form enlarged lounge with enlarged bedroom over and retention of the conservatory at the rear.	Permitted	13.09.1994
19940355	Application for Listed Building consent in connection with the erection of a two storey side extension and retention of the conservatory at the rear.	Permitted	13.09.1994
19510118	Re-roofing (part) with pitched roof	Permitted	10.09.1951
19490004	WC addition	Permitted	04.02.1949

Development Plan

<u>Gravesham Local Plan Core Strategy (2014)</u>

- CS01 – Sustainable Development

- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)
- C13 – Extensions to Dwellings in the Countryside
- P3 – Vehicle Parking Standards

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

Other material considerations

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 when considering whether to grant listed building consent.

Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, the Council has a statutory duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architect or historic interest which it possesses.

National Planning Policy Framework (2024)
- Section 2 – Achieving Sustainable Development
- Section 8 – Promoting healthy and safe communities
- Section 12 – Achieving Well-Designed Places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance
- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – Nationally Described Space Standard (2015)
- SPG 4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Consultees

Dickens Country Protection Society

The Society notes the building is Listed Grade II. The Society is concerned to ensure as much as possible of the original structure is retained and where possible reinstated. The Society is also concerned at the lack of harmony in the design of the proposed extension and the design of the original building, particularly fenestration.

Neighbouring properties

20260396 - 2 surrounding properties were consulted plus site and press notices – overall consultation expiry date was 29.05.2026 – no responses received.

20260397 - Site and press notices – overall consultation expiry date was 29.05.2026 – no responses received.

Officer's Analysis

The application site consists of a two storey detached dwelling on the northern side of Heritage Road. It is a grade II listed building located in the Green Belt, Higham Arable Farmlands Landscape Character Area and an Area of Archaeological Potential. The property has been extended at the rear and side, a detached triple garage building and an open side canopy bar to the east of the dwelling.

Planning permission and listed building consent were refused for ‘Demolition of rear sun room and erection of a single storey rear extension with roof light’ under planning and listed building consent application refs. 20250602 and 20260603 on 05.12.2026.

The applications were refused on the following grounds:

20250602

1. *The proposed extension and previous additions to the dwelling are disproportionate to the original property and have a cumulative harmful impact and are inappropriate development within the Green Belt. Therefore, the development hereby proposed is contrary to Policies CS02 (Scale & Distribution of Development) and CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (2014), saved Policy C13 (Extensions to Dwellings in the Countryside) of Gravesham Local Plan First Review (1994) as well as Section 13 of the National Planning Policy Framework (2024).*

2. *The proposed extension would cause harm to the setting of the Listed Building and its historic character, by virtue of its scale and loss of original features which fail to ensure the preservation of its existing historic fabric. Therefore, the proposal is contrary to saved policy TC2 of the Gravesham Local Plan First Review (1994), Policy CS20 of the Gravesham Local Plan Core Strategy (2014) and Section 16 of the National Planning Policy Framework (2024).*

20250603

1. *The proposed extension would cause harm to the setting of the Listed Building and its historic character, by virtue of its scale and loss of original features which fail to ensure the preservation of its existing historic fabric. Therefore, the proposal is contrary to saved policy TC2 of the Gravesham Local Plan First Review (1994), Policy CS20 of the Gravesham Local Plan Core Strategy (2014) and Section 16 of the National Planning Policy Framework (2024).*

These current planning and listed building consent applications are for the demolition of the existing rear sun room and erection of a single storey rear extension with roof lights. It is stated in the Planning, Design and Access and Heritage Statement that these applications for planning permission and listed building

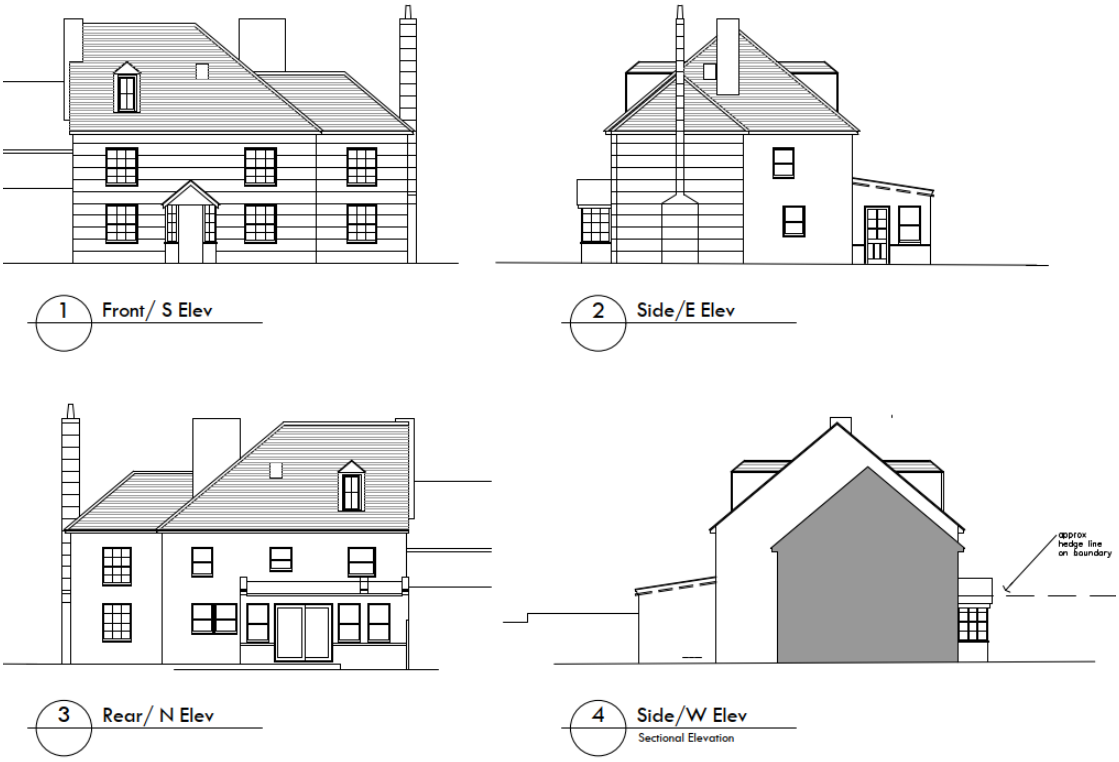
consent are for the same proposal as was refused and have been submitted as the window to appeal the refusals has been missed. Also, that additional information to support the proposal is contained in the report, including a case for very special circumstances and additional background to the historic evolution of the building in relation to fenestration.

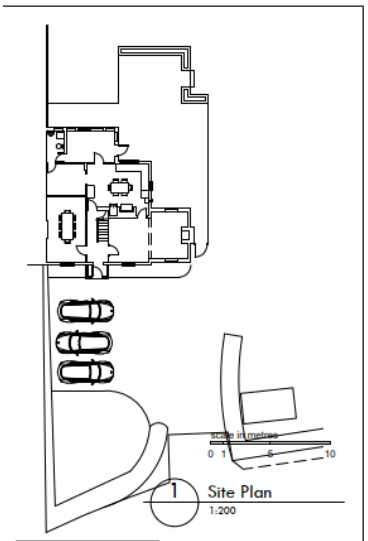
The existing sun room is 2.95m in depth, 6m in width and 3.2m to the top of the mono pitch. The proposed extension would be 3.75m in depth, 7.9m in width and a height of 2.95m. As part of the development the patio area would be altered and squared off to the dwelling, resulting in a reduction of approximately 15.7 sq. m.

It therefore needs to be seen whether this current proposal has addressed the grounds of refusal for application refs. 20250602 & 20260603.

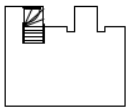
For ease of reference the existing, refused and proposed plans and elevations are:

Existing elevations and plans

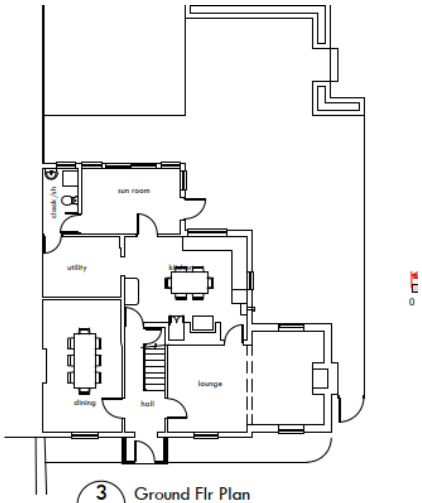




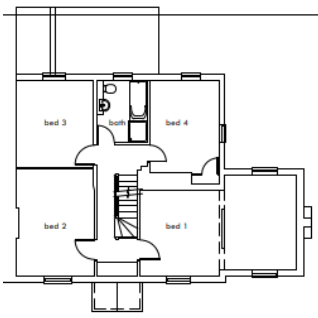
1 Site Plan
1:200



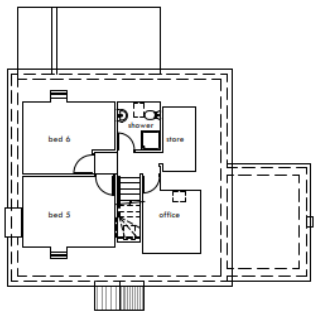
2 Basement Plan



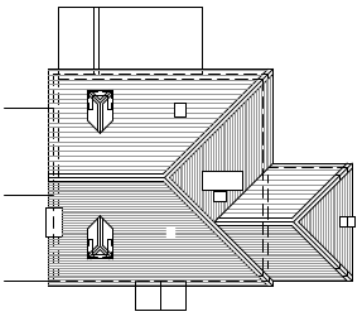
3 Ground Flr Plan



4 First Flr Plan



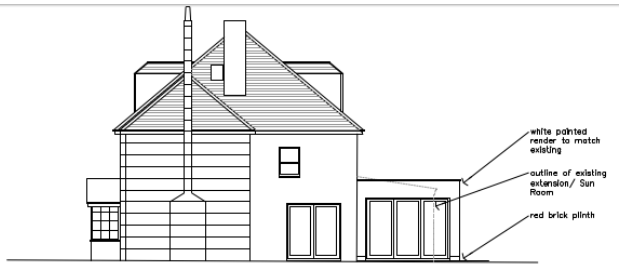
5 Second Flr Plan



6 Roof Plan

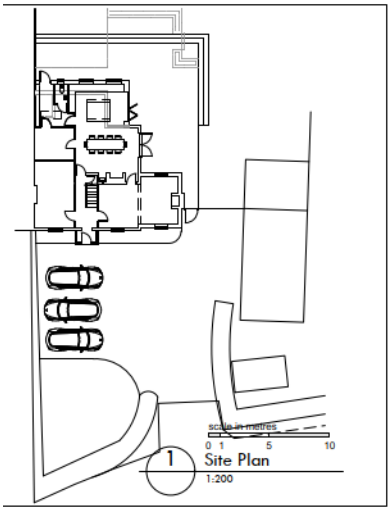
Refused elevations and plans

1 Font/ S Elev
no changes

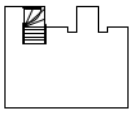


2 Side/ E Elev
no changes

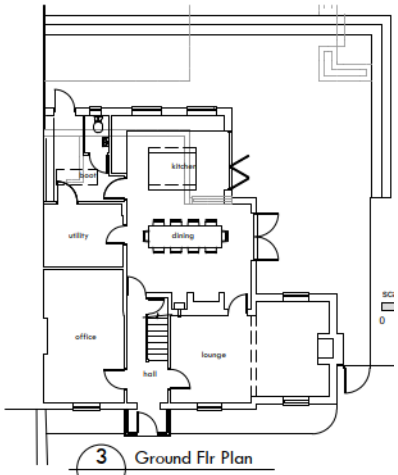
3 Font/ S Elev
Rear/ N Elev



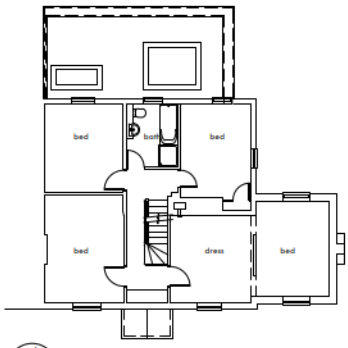
1 Site Plan
1:200



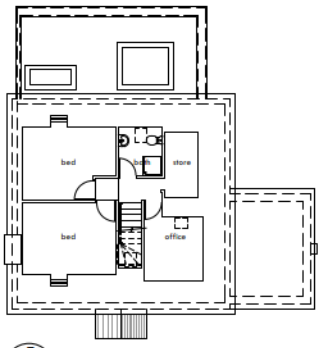
2 Basement Plan



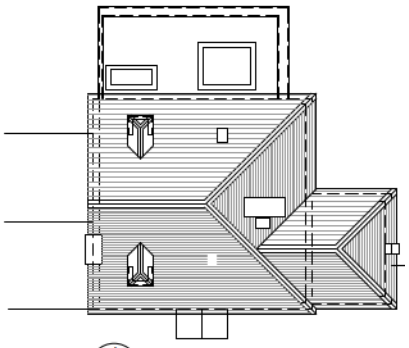
3 Ground Flr Plan



4 First Flr Plan



5 Second Flr Plan



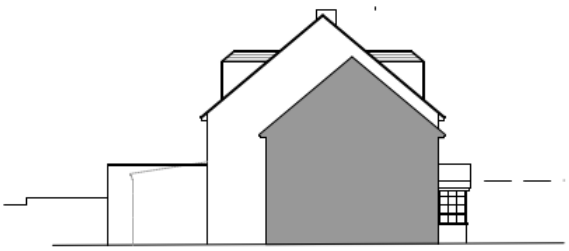
6 Roof Plan

Proposed

1 Front/ S Elev

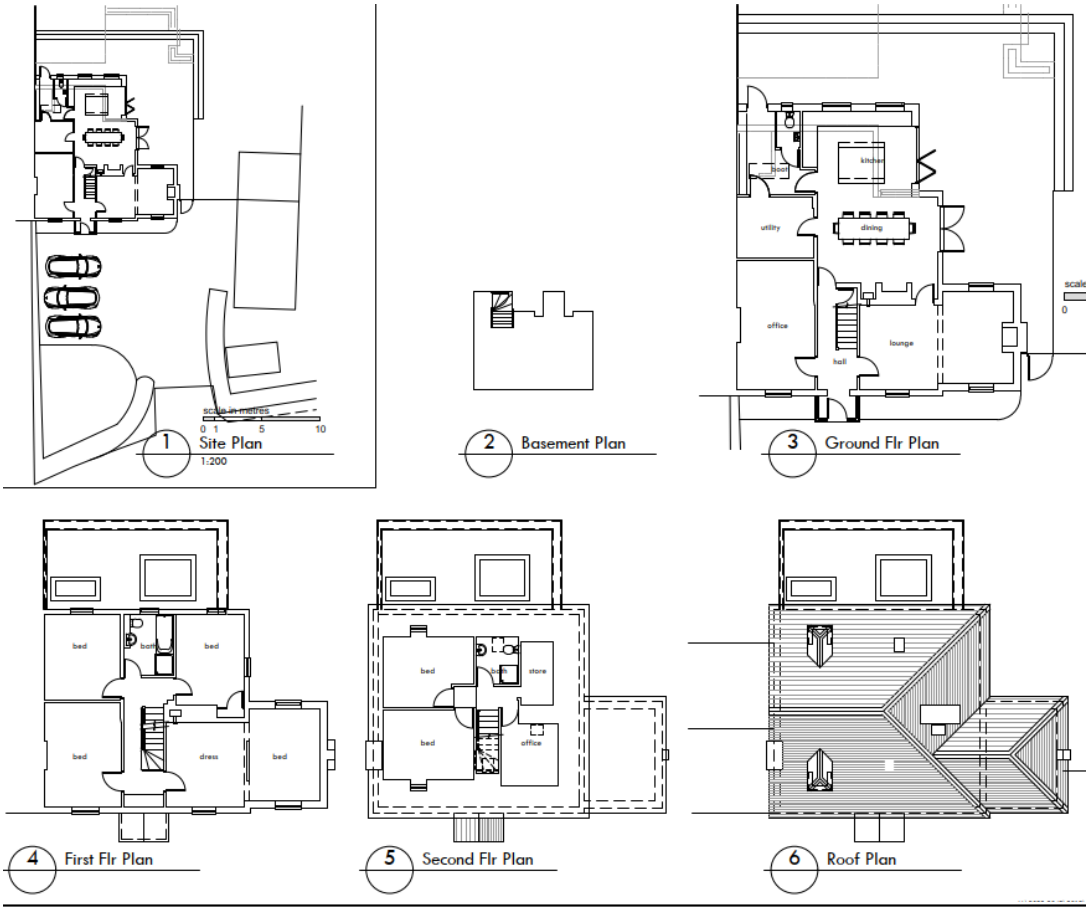
2 Side/ E Elev

3 Rear/ N Elev



4 Side/ W Elev
Sectional Elevation

scale in metres



The principle issues in the assessment of this proposal are as follows:

Principle:

- Whether the proposal would be inappropriate development in the Green Belt;
- The effect of the proposal on the openness of the Green Belt;
- Whether the proposal would protect the architectural and historic interest of this grade II listed building;

Other Matters:

- Landscape Character;
- Occupier Amenity;
- Neighbouring Amenity;
- Parking and Highways;

Balancing Exercise/Conclusion;

If inappropriate development, whether there are any very special circumstances.

<u>Whether the proposal would be inappropriate development in the Green Belt</u>

This matter related to ground of refusal no. 1 of planning application ref. 20250602.

The application site is located in the Green Belt and as such Policy CS02 (LPCS) is relevant. Development in the urban area is prioritised as the sustainable location for development. In the rural area, Policy CS02 (LPCS) states that development will be supported within rural settlements that are inset from the Green Belt

and defined on the policies map. Development outside those settlements, i.e. in the Green Belt, will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the LPCS.

There are strict policy considerations within the Green Belt whereby paragraph 153 of the National Planning Policy Framework (2024) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 goes on to say that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF (2024) states that development in the Green Belt is inappropriate unless it falls within the specified exceptions. The relevant exception to consider for this application is part c of paragraph 154 of the NPPF (2024), which states that it may be acceptable to extend or alter a building provided it does not result in disproportionate additions over and above the size of the original building.

Saved Policy C13 (LPFR) sets out a number of criteria that should be met when considering proposals for domestic extensions. As the policy pre-dates the NPPF (2024), the weight attached to the policy must be considered carefully, with greater weight being given where the approach is consistent with paragraph 154 of the NPPF (2024). Policy C13 places an overall limit on extensions of one third of the gross floor area of the original dwelling unless the increased floor space has no overall effect on the existing bulk and appearance of the dwelling (criteria ii). It also requires the massing, scale and form of any extension to be appropriate to the existing dwelling and the Green Belt setting (criteria vi). It is considered that these factors are relevant in determining whether the size of an extension is proportionate and as such, these aspects of the policy are broadly in line with the NPPF (2024) and should be afforded due weight.

	Original Dwelling	**Proposed Extended Dwelling**	**% increase above original**
Footprint (m²)	79.5m²	123.8m²	55.7%
Internal Floorspace Area (m²)	73.1m²	240.6m²	150%
Volume	-	-	-

The calculations demonstrate that the proposed additions to the dwellinghouse exceed the one third limit set out in saved Policy C13. Therefore, in purely numerical terms, the extension is contrary to the local plan Green Belt policy, potentially representing a disproportionate increase over the original floor area of the building. The volume calculations of the extensions, over the original dwelling, have not been calculated in this application and will instead be visually assessed.

Notwithstanding the above, domestic outbuildings including garages and other outbuildings, do not specifically fall within the list and as such are considered to be inappropriate development per se. However, within case law it was considered (in Warwick DC v SSLUHC [2022]) that paragraph 154(c) is not confined to physically attached structures, and an “extension” can include detached structures. Therefore, it is important to consider if the existing garage and bar outbuilding are extensions to the dwelling under the Warwick judgement.

The Warwick judgement references Sevenoaks’ approach to the NPPF (2024) and the installation of domestic adjuncts to dwellinghouses within the Green Belt, concluding that a building can be regarded as

an adjunct without being physically connected to another building, and therefore can be considered extensions of other buildings without the physical connection. The judgement indicates that regard should be had to the proximity of the buildings, their purpose and use, and factors such as their size. It is summarised that, “in the domestic setting it is not artificial to describe garages or other outbuildings as being extensions of the principal dwelling house". The use of ‘not artificial’ in this instance can be interpreted as not false or unnatural, and therefore it is correct and natural to consider a garage to be an extension to the principal dwelling house.

Therefore, using the Warwick judgement, the garage and outbuilding are incidental to the dwelling and would fit within the use of domestic extensions to the dwelling as set out in the judgement. The outbuildings are approx. 5m from the dwelling and therefore are within a close proximity to be adjuncts. As such, the Local Planning Authority would consider the garage and bar outbuilding to be domestic adjuncts and would increase the overall footprint of the extensions by approx. 69.4m², resulting in an increase over the original footprint of 152%.

However, the numerical calculation forms only a part of the overall assessment. Paragraph 154 of the NPPF (2024) states that it may be acceptable to extend or alter a building provided it does not result in disproportionate additions over and above the size of the original building, it does not provide a figure. The proposal would replace an existing extension but it would be larger than the one it would replace both in respect of width and depth. This does not constitute a disproportionate addition and the extension in isolation is considered to be proportionate, however the cumulative impact of extensions to the original dwelling are a material consideration.

As demonstrated in the planning history, the property has been extended to the front (porch), side (two storey), rear (sun room) and into the loft (dormers). These additions have significantly increased the scale of the original building, and the cumulative impact of the enlargements are considered to be disproportionate as demonstrated in the annotated screenshots below:

It is therefore considered that the proposed development, when taken together with the existing extensions would cumulatively result in a disproportionate addition to the original building and as such the proposal would be inappropriate development which is by definition, harmful to the Green Belt. It is therefore contrary to Policy CS02 (LPCS), saved Policy C13 (LPFR) and to paragraph 154 of the NPPF (2024). Ground of refusal no. 1 of planning application ref. 20250602 has therefore not been resolved.

All other matters will now be considered to see if there would be any other harm before assessing whether there are any very special circumstances to outweigh the harm.

<u>The effect of the proposal on the openness of the Green Belt</u>

Paragraph 142 of the NPPF (2024) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also states that the essential characteristics of Green Belts are their openness and permanence.

The Courts have identified a number of factors to be taken into account when assessing the impact of a proposed development on the openness of the Green Belt (PPG Paragraph: 001 Reference ID: 64-001-20190722), which include both spatial and visual consideration. Therefore, the openness of the Green Belt has both spatial and visual aspects, and any new built form of development is harmful to its open character.

In spatial terms, the proposed development would be located at the rear of the main dwelling and would replace an existing rear projection. It would be larger than the one it would replace with an overall increase in depth of 0.95m and increase in width of 1.75m which is considered would be off-set by the reduction in the patio through its alteration. Therefore, in spatial terms, the overall development would result in an increase in the size of the extension but a reduction in the overall spread of development and which is considered to benefit the spatial openness. Visually, the extension is not considered to have any impact on the openness of the Green Belt, by virtue of it being a replacement and its location to the rear of the dwelling with isolated visibility.

<u>Whether the proposal would protect the architectural and historic interest of this grade II listed building</u>

This matter concerned ground of refusal no. 2 of planning application ref. 20250602 and the ground of refusal of listed building consent ref. 20250603.

The issue with the proposal in this regard was said to be as follows:

"The proposal is considered to harm the listed building through the loss of original features and due to its scale. The Conservation Officer has reviewed the proposal from pre-application stage to the latest submission, and considers that the extension fails to preserve the integrity of the original listed building and harms its character and appearance:

Having read the additional information submitted, the concerns with the loss of the original window opening and the harm to the Listed Building remain. It is acknowledged that the original single sash window has been replaced with a double sash opening, however the outer side of the opening lines through with the first floor window and the extension would result in its complete loss.

In addition to the loss of the opening, the width of the proposed extension dominates the Listed Building and causes further harm to its setting and appearance.

The proposals would result in harm to the listed building as a result of the loss of an original external window opening and the scale of the extension and is therefore contrary to local and national policy."

Therefore, the extension by virtue of scale and associated loss of an original window opening causes harm to the setting of the Listed Building and its character, contrary to saved policy TC2 (LPFR), Policies CS19 and CS20 (LPCS) and Sections 12 and 16 of the NPPF (2024)."

In this application the proposal is, as stated, the same as previously refused. In these current applications however, a large amount of further information has been submitted in the Planning, Design and Access and Heritage Statement. Essentially the agent advises:

- Property has been extended at side and rear which has changed proportions and scale of the original structure;
- The extension would be marginally larger than the existing sun room;
- Conservation Officer makes no objection to the size of the extension only that it entails the removal of one rear ground floor window and it is presumed that this is the objection in scale that is being referred to in the reason;
- The proposed extension necessitates the removal of one ground floor window (kitchen window). This is located on the rear elevation which is a firmly subservient elevation and cannot be viewed from any public vantage point and is already hampered by the adjacent sun room. To this end, its removal has a negligible impact on the character or setting of the building;

- Furthermore, the kitchen window to be removed at approximately 1.65m wide and 1.1m high and landscape in its format is the only window in that format on the property – it is not representative of any other fenestration and does not form part of character of the building;
- It is not an original window;
- Earliest drawing available in planning search relates to 19940342, the existing drawing shows the kitchen window and crucially two other windows in a landscape format both of which are unlikely to be original. Both were bow shaped bay windows, one to the front ground floor and one to the side ground floor. The side bow window was removed by virtue of consent to the 2 storey side extension and the front bow window was replaced with a sash window in portrait format to match the other 3 original sash window openings on the front elevation under consent ref:- 20090717:

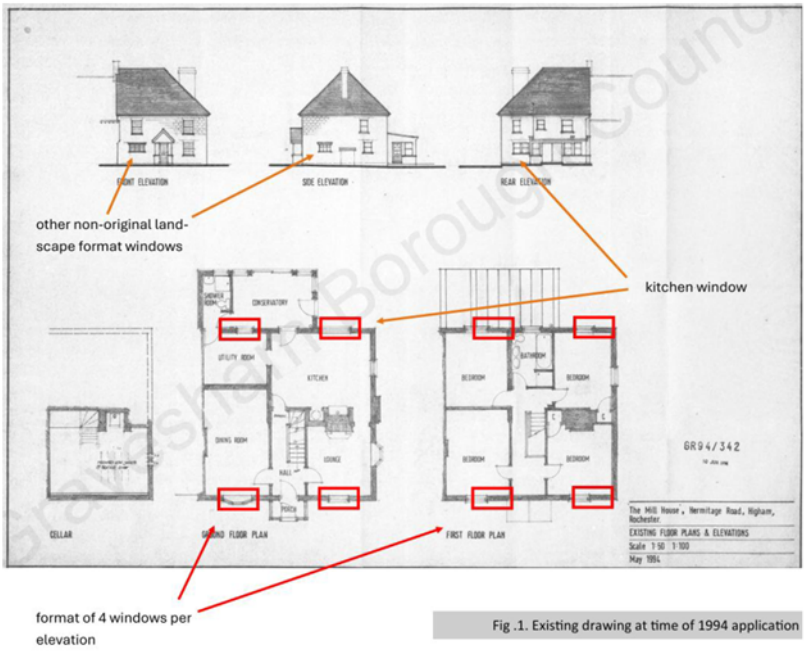


Fig .1. Existing drawing at time of 1994 application

- The drawing also shows that the format of windows to both the front and rear elevation was 4 windows (2 on each floor) set symmetrically to each corner of the front and rear elevation with a central door and a central window over on the first floor (to the rear elevation only);
- The cill height of these original windows would be around 770 – 780 mm above floor level (at ground floor) which is evident to all ground floor windows however the cill height of the kitchen windows are higher than this and it is likely that the kitchen window cills were adjusted to allow a fitted kitchen to be installed in the property. It is also likely that at the same time the opening was widened to account for the loss of light created by a shorter window, this is reinforced by the fact that this window is over the kitchen sink and provides views over the garden and therefore the owners likely wanted the window to be enlarged to retain the sense of lighting in the former portrait window. There is no reason to suggest that this window format was original given all of the above;

Fig .2. Original window openings

Fig .3. Original window cill height

Fig .4. Original window cill height

- Window is double glazed with spiral sashes, clearly not original;

- The original kitchen window has already been lost at some time before 1994 and therefore the existing window to be removed cannot be seen to be an original feature or constitute historic fabric, and does not contribute to the significance of the Heritage Asset because:
    - it is not in keeping with the original design direction of the elevations in terms of

proportions and geometrical layout in relation to other windows
  - is different from every other window on the property in being landscape and having a higher cill
  - is not an original Sash window in that it is double glazed and uses spiral sashes, not cords.
- Given significant change to the original scale, form and detail of the rear elevation of the building and the subsevrvient nature of the single storey rear extension, it cannot be conclide that the extensioin and the fenestration change would cause harm to the setting of the Listed Building and its historic character. There would be an alteration to the appearance of the rear of the building but not to its original historic character which was altered some time ago. As demonstrated, there would be no loss of original historic fabric;
- The existing sun room makes no contribution to the character of the building and is in decline and the proposed replacement would be a significantly higher quality sustainable structure and the improved water tightness and insulative properties would be of benefit to the whole building;
- If it were concluded that less than significant harm were caused to the significance of the heritage asset, the benefits of this in terms of reduced energy use and its associated climate consequences, and the improvement to the weather tightness for the whole historic building would represent benefits including securing the optimum use of the building. On balance, any perceived harm would be of a minor nature and outweighed by its benefits.

Essentially in summary for all of the above, with regards the extension the agent considers that the Conservation Officer did not make any comments on this and that in any case the extension is only marginally larger than the existing sunroom. With regards the window, the agent considers that the kitchen window opening has been altered, being reduced in height and increased in width changing from portrait to landscape and states that the existing window is double glazed, and so as a non-original window opening and non-original window it is acceptable for this window to be removed and to build the extension over it.

In response to this:

The Conservation Officer in his comments stated "*In addition to the loss of the opening, the width of the proposed extension dominates the Listed Building and causes further harm to its setting and appearance."* It is therefore clear the Conservation Officer made comments on the extension and considered that the width of it would dominate the listed building. What the agent considers to be a marginal amount would extend the extension across even more of the original rear elevation part of the building than is currently the case with the existing sunroom, obscuring even more of the original rear elevation and the Conservation Officer does not support this increased width as they consider that the extension would then dominate the listed building. The existing extension is 6.1m in width with a gap to the original flank wall of 2.79m and the proposed extension would be 7.9m in width with a gap to the original flank wall of 1m.

Furthermore, and it is not mentioned in the previous delegated report, the proposed extension would have a flat roof whereas the existing sunroom has a mono pitched roof. The flat roof, whilst an acceptable roof form for a single storey rear extension on many properties across the Borough would not be acceptable for a listed building where the design quality would be expected to be of even greater than normal. In any case the proposed design would not be in keeping with the age or character of the building. The proposed flat roof would not be in keeping with the roof form of the host building and the extension would appear as a standard box-like structure on the back of this listed building, which would be completely out of keeping for this listed building dating from 1760. On a listed building the whole building is listed and any extension should protect its architectural and historic interest regardless of which elevation it would be on and this proposed extension would clearly not achieve this. It is not a case that it is at the rear and so design doesn't matter anymore. The window proportions are out of keeping with the existing windows on the rear elevation and the door appears as a standard door, again not in keeping.

There is then also the matter of the kitchen window which would be removed due to the proposed extension. It is clear from his comments that the Conservation Officer acknowledges that the original single window opening has been altered to a double window opening but he states that the side of what would have been the original window opening (i.e. the eastern side) lines through with the first floor window above

and he is stating that the proposed extension would lose that completely, given that the whole of the window opening would be removed. That would therefore remove the last vestiges and reference point of what was the original ground floor window opening which is what the Conservation Officer objects to.

N.B - It should also be noted that Listed Building Consent has not been granted for a double glazed (and plastic?) window in this opening and therefore this is a potential breach of planning control which will need to be passed to the Council's Planning Enforcement team for investigation.

The harm that would be caused is considered to be less than substantial, in such circumstances the NPPF (2024) advises at paragraph 215 that where a proposal would cause less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. The proposal would provide the applicant with an office due to the movement of the dining room into one of the back rooms and the kitchen into the proposed extension; it would also provide a boot room. Whilst beneficial to the applicant, this is not a public benefit. The agent states that the proposed extension would be a significantly higher quality sustainable structure and water tightness and insulation would be of benefit to the whole building. The existing sun room could be replaced like-for-like with a significantly higher quality sustainable structure, that benefit is not exclusive to the size of the extension which is proposed. There matters are therefore not considered to be outweigh the harm that has been identified to the listed building.

In summary, the proposed extension by virtue of its scale and design and that it would result in the loss of the remaining part of the original window opening in the rear elevation and destroy the correlation with the first floor window above, would be harmful to the architectural and historic interest of this grade II listed building. As such the proposal would fail to meet the requirements of Sections 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would be contrary to Policies CS19 and CS20 (LPCS), saved Policy TC2 (LPFR) and sections 12 and 16 of the NPPF (2024). The proposal has therefore not addressed ground of refusal no. 2 of planning application ref. 20250602 and the ground of refusal of listed building consent application ref. 20250603.

Other Matters

Landscape Character

This matter was considered acceptable in previous application ref. 20250602.

Paragraph 189 of the NPPF (2024) states that great weight should be given to conserving and enhancing landscape and Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states that the overall landscape character and valued landscapes will be conserved, restored and enhanced. The application site is located within the Higham Arable Farmlands landscape character area which is characterised by very gently undulating topography of open arable farmland with pockets of orchards and garden nurseries. The developments spread from the original Saxon settlement of Lower Higham in the North, to more contemporary developments in the South around main road networks. It is considered that given that the additional size of the proposed extension on this property would not have a material impact on the wider landscape. As such, in respect of landscape character the proposal is considered compliant with Policy CS12 (LPCS) and section 15 of the NPPF (2024).

Occupier Amenity

This matter was considered acceptable in previous application ref. 20250602.

Policy CS19 (LPCS) requires that all new development must ensure that there would be no undue harm to the amenity and living conditions of occupiers in order to comply with Policy CS19 (LPCS). The kitchen in the extension would exceed the minimum standard as set out in SPG2: Residential Layout Guidelines (2020). As such, in respect of the amenity of existing and future occupiers the proposal would be compliant with Policy CS19 (LPCS) and paragraph 135(f) of the NPPF (2024).

Neighbouring Amenity
This matter was considered acceptable in previous application ref. 20250602.

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring properties and land and Section 12 of the NPPF (2024) requires development to have a high standard of amenity for existing users.

The proposed extension would be constructed on the flank boundary with the neighbour (Mill Court). As shown in the satellite image below, the neighbour is set-back from the rear wall of the existing sun room by approx. 5.6m.

The new extension would increase the depth of the application property by approx. 0.95m, resulting in an overall set-back of 6.55m. While this elongates the development on the shared boundary, the extension is single storey and is replacing an existing structure, which reduces the impact on the neighbour. As such, the extension is not considered to result in any overshadowing, loss of light or loss of outlook. There are no windows proposed in the flank elevation facing Mill Court, therefore no overlooking.

In respect of neighbouring amenity the proposal is considered to be compliant with Policy CS19 (LPCS) and paragraph 135(f) of the NPPF (2024).

Parking and Highways

This matter was considered acceptable in previous application ref. 20250602.

The proposal would not increase the number of bedrooms in the property or alter existing parking provision.

As such, in respect of parking and highways the proposal is considered compliant with saved Policy P3 (LPFR).

Whether there are any very special circumstances

The proposal would constitute inappropriate development in the Green Belt and paragraph 153 of the NPPF (2024) requires substantial weight to be given to any harm to the Green Belt. In addition, the proposal would be harmful to the architectural and historic interest of this grade II listed building and paragraph 212 of the NPPF (2024) requires great weight be given to the asset's conversation.

In the previous application no very special circumstances were put forward by the applicant in relation to the assessment of 'very special circumstances' but in these applications they have done so. It is stated in the Planning, Design and access and Heritage Statement:

"It is proposed in this resubmission that very special circumstances exist which outweigh the harm through reason of appropriateness and any other harm. These very special circumstances are that while the proposal would introduce an extension of an additional 0.95m in depth and 1.75m of width compared with existing lawful arrangement on site, this is set within an existing built envelope and against an existing backdrop of larger built form, would not be visible in any view of the site and would be off-set by the proposed reduction in the patio size. There is no other harm to openness caused by the extension, and in fact as stated in the officer report, there would be an overall improvement as detailed above. These are circumstances specific to the proposal and they outweigh the harm by definition.

It is concluded that the additional dimensions of the extension compared with the existing sunroom are negligible and not disproportionate and there would not be a cumulative harmful impact. Regardless, the proposal would not cause harm to the openness of the greenbelt for the reasons detailed above, and there are very special circumstances, including consideration of the reduction in the overall spread of development on site and the concealed location of the marginally increased size which would not be apparent in any appreciation of the green belt. The proposal would be of spatial benefit to the openness of the green belt. Therefore, very special circumstances exist which outweigh the harm through reason of appropriateness and any other harm."

The matters raised in the Planning, Design and Access and Heritage Statement are not considered to constitute very special circumstances. The points raised will be taken in turn:

'While the proposal would introduce an extension of an additional 0.95m in depth and 1.75m of width compared with existing lawful arrangement on site, this is set within an existing built envelope'

The extension would mostly be built on the site of the existing extension and so would naturally be 'set within the existing building envelope', this does not constitute very special circumstances.

'Be against an existing backdrop of larger built form'

Again as a single storey rear extension on a two storey building it would naturally be the case that the existing backdrop would be a larger built form, this does not constitute very special circumstances.

'Would not be visible in any view of the site'

The extension would be visible from the rear and both sides but in any case, the visibility, or otherwise, of a development does not constitute very special circumstances.

'Would be off-set by the proposed reduction in the patio size'

A reduction in the size of a patio does not constitute very special circumstances.

'There is no other harm to openness caused by the extension, and in fact as stated in the officer report,

there would be an overall improvement as detailed above.'

There being no harm to the openness of the Green Belt from a development does not constitute very special circumstances.

The Heritage Statement states that the existing lean-to is at the end of its economic life and could be better used. The Planning, Design and Access and Heritage Statement states that the sunroom is in decline and the proposed replacement would be a significantly higher quality sustainable structure and the improved water tightness and insulative properties would be of benefit to the whole building. The condition of an existing structure on a building does not constitute very special circumstances and these issues could be addressed by repair works or a like-for-like replacement of the existing sunroom.

Overall, therefore, these matters put forward are not considered of sufficient strength to outweigh the totality of harm which has been found. As a result very special circumstances do not exist.

Any Other Material Planning Considerations

None.

Balancing Exercise/Conclusion

The proposed extension is the same as that refused under planning and listed building consent application refs. 20250602 and 20250603 in December 2025 and these new planning and listed building consent applications have been submitted as the window to appeal the refusals has been missed. Also, that additional information to support the proposal is contained in the report, including a case for very special circumstances and additional background to the historic evolution of the building in relation to fenestration.

The proposal has been assessed and whilst there would be no harm to landscape character, occupier amenity, neighbouring amenity, parking and highways, it has been found that it would be inappropriate development in the Green Belt and be harmful to the architectural and historic interest of this grade II listed building and there are no very special circumstances to justify it. The proposal would not accord with the development plan and there are no other material considerations to outweigh this finding. Therefore, it is recommended that planning permission is refused. Grounds of refusal nos. 1 & 2 of planning application ref. 20250602 and the ground of refusal of listed building consent ref. 20250603 have not been resolved.

Recommendation

20260396 – Refusal
20260397 – Refusal

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	**Team Leader:**	Mrs Faye Walsh
Signed:	Rebecca Harrison	**Signed:**	fwalsh
Dated:	19th June 2026	**Dated:**	19 June 2026