
Appeal Decisions

Site visit made on 15 November 2016

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 23 November 2016

Appeal A Ref: APP/Z1510/W/16/3155397

Newmans, St Marys Square, High Street, Kelvedon, Essex CO5 9AN

- 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 Bill Clarke against the decision of Braintree District Council.
 - The application Ref 16/00424/FUL, dated 7 March 2016, was refused by notice dated 11 May 2016.
 - The development proposed is described as '*proposed single storey rear extension with some internal alterations and the removal of a rear elevation first floor window*'.
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Appeal B Ref: APP/Z1510/Y/16/3153348

Newmans, St Marys Square, High Street, Kelvedon, Essex CO5 9AN

- 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 Bill Clarke against the decision of Braintree District Council.
 - The application Ref 16/00425/LBC, dated 7 March 2016, was refused by notice dated 11 May 2016.
 - The works proposed are described as '*proposed single storey rear extension with some internal alterations and the removal of a rear elevation first floor window*'.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for a single storey rear extension with some internal alterations and the removal of a rear elevation first floor window at Newmans, St Marys Square, High Street, Kelvedon, Essex, CO5 9AN in accordance with the terms of the application, Ref 16/00424/FUL, dated 7 March 2016, subject to the conditions set out in Appendix A.

Appeal B

2. The appeal is allowed and listed building consent is granted for a single storey rear extension with some internal alterations and the removal of a rear elevation first floor window at Newmans, St Marys Square, High Street, Kelvedon, Essex, CO5 9AN in accordance with the terms of the application Ref 16/00425/LBC dated 7 March 2016 subject to the conditions set out in Appendix B.

Procedural Matter

3. This decision letter deals with two decisions, namely; Appeal A, ref 3155397 for planning permission and Appeal B, ref 3153348 for listed building consent.

Main Issue

4. The main issue is whether the proposed development and works would preserve the special architectural and historic interest of the Grade II listed building and preserve or enhance the character or appearance of the Kelvedon Conservation Area.

Reasons

5. The appeal building is a mid-terrace, five bay and two storey, parapet fronted (with clay tiled pitched roof behind) Grade II listed building. The listing description explains that the building dates from the 15th Century, with alterations in the 17th, 18th and 19th Centuries. To the rear there is a two storey flat roofed extension, which dates from the 20th Century, and comprises the kitchen and sun room on the ground floor, and an office and bathroom/WCs on the first floor. Within the older parts of the building (located to the eastern end) it is possible to see the historic timber frame on both the ground and first floors.
6. The significance of the listed building primarily derives from the retained architectural features which provide a record of how both the building and the settlement of Kelvedon evolved as a result of past agricultural prosperity, as explained within the Conservation Statement and Impact Assessment (dated February 2016). The significance of the Kelvedon Conservation Area partly derives from it being an example of how rural communities prospered during the agricultural revolution, and the important influence this had on architecture within such communities.
7. To the rear, the appeal scheme seeks the removal of the sun room which dates from around the 1970s. It would be replaced by a flat roofed extension with a glazed lantern on the northern side and parapet style above the kitchen. This would also provide some further floor space room within the existing kitchen. The Council does not have an issue as such with the erection of an extension to the dwelling. However, they would prefer to see the use of a mono-pitch style roof which is likely to create a slightly smaller increase in floor area. It is not my role to assess the acceptability or not of hypothetical schemes, and I have considered the proposal before me. In this respect, the proposal would see the erection of modern extension that would provide a clear visual juxtaposition with the older parts of the building. At the same time, it would still be possible to see the historic parts of the building (those dating from pre-20th Century).
8. Indeed, the Council's Historic Buildings Consultant recognises that *'the proposed movement of the back wall, which is of modern construction, is a fairly minimal alteration which does not cause any great alteration in the way in which the building is viewed or experienced'*. What is more, the external historic fabric of the listed building would, in the main, remain unaffected by the proposal and it would be possible to see the older architectural elements to the rear elevation whilst recognising that historic buildings continue to evolve to meet the needs of their occupiers at any given time. The external alterations would therefore preserve the special architectural or historical interest of the listed building. For similar reasons, I consider that the proposal would preserve the character and appearance of the Kelvedon Conservation Area.

9. Internally, the proposals seek the removal of walls which the evidence before me indicates date from the 20th Century, both at ground and first floor levels. In particular, the ground floor alterations could see the affirmation of an older (possibly original) floor plan by reintroducing a wall to close off the living room as shown on drawing 4090-3A Rev 002. This would make the ground floor layout more legible to viewers in terms of understanding the floor plan before later alterations. The proposal also seeks the internal removal of a chimney in bedroom 3 on the aforesaid drawing, though the external stack would be retained. There is no evidence that the internal elements of this chimney are of any great architectural significance. What is more, in terms of all the internal changes sought, the local planning authority does not raise any specific concerns. Given my considerations of these, I see no reason to disagree and therefore find the internal alterations acceptable.
10. Accordingly, I do not find that the proposal would result in a negative impact on the special architectural and historical interest of the listed building. Moreover, the proposal would not result in either 'substantial' or 'less than substantial' harm to the significance of the listed building, as set out in Paragraphs 132 to 134 of the *National Planning Policy Framework* (the Framework). I therefore conclude that the proposal would preserve the special architectural and historical features of the Grade II listed building. The proposal would therefore accord with Policy CS9 of the *Braintree Core Strategy 2011* and Policies RLP3, RLP17, RLP90 and RLP100 of the *Braintree District Local Plan Review 2005*, which amongst other aims seek to secure the highest possible standard of design and layout and the protection and enhancement of the historic environment.
11. It would also accord with the aims of the Framework, which include conserving heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Conditions

12. I have had regard to Paragraph 206 and the Planning Practice Guidance with regard to the use of planning conditions. Conditions requiring the proposal to be carried out in accordance with the submitted drawings are necessary to provide certainty.
13. Conditions requiring the submission of material samples and detailed drawings of features such as windows are necessary in order to protect the character and appearance of the conservation area and listed building.

Conclusion

1. For the reasons given above, and having taken into account all matters raised, I conclude that the appeals should be allowed.

Cullum J A Parker

INSPECTOR

Appendix A - List of Conditions Appeal A, 3155397

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4090-2a Rev 001 and 4090-3A Rev 002.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing; this shall include the proposed colours and textures of finishes. The relevant works shall be carried out in accordance with the approved sample details.

Appendix B – List of conditions Appeal B, 3153348

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4090-2a Rev 001 and 4090-3A Rev 002.
- 3) No development shall take place until samples of all external and internal facing materials have been submitted to and approved by the local planning authority in writing; this shall include the proposed colours and textures of finishes. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No works on the extension shall commence until additional drawings that show details of the proposed new windows, doors, eaves, verges and sills to be used, including sections and elevations at scales of no less than 1:20 and 1:1 (where appropriate), have been submitted to and approved in writing by the local planning authority. Thereafter, the works shall be implemented as approved and permanently retained as such.