
Appeal Decisions

Site visit made on 2 May 2017

by Peter Rose BA MRTPI DMS MCM

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

Decision date: 19th May 2017

Appeal A Ref: APP/Z1510/Y/17/3166650

Folly Farm, Herkstead Lane, Steeple Bumpstead, CM7 4HH

- 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 Chris Fletcher against the decision of Braintree District Council.
 - The application Ref: 16/01566/LBC, dated 13 September 2016, was refused by notice dated 2 December 2016.
 - The works proposed are erection of two storey rear extension and associated works.
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Appeal B Ref: APP/Z1510/D/17/3166651

Folly Farm, Herkstead Lane, Steeple Bumpstead, CM7 4HH

- 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 Chris Fletcher against the decision of Braintree District Council.
 - The application Ref: 16/01565/FUL, dated 13 September 2016, was refused by notice dated 2 December 2016.
 - The development proposed is erection of two storey rear extension and associated works.
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Decisions

1. **Appeal A** and **Appeal B** are both dismissed.

Main issues

2. The proposal is to extend a Grade II listed building. The main issue common to **Appeal A** and **Appeal B** is the effect of the proposed scheme upon the special architectural and historic interest of the listed building and, in particular, whether the scheme would preserve the listed building or its setting or any features of special architectural or historic interest which it possesses.
3. A further main issue in relation to **Appeal B** is the effect of the proposed development upon the character and appearance of the countryside.

Reasons

Listed building

4. The appeal site comprises a two-storey detached dwelling set within extensive grounds. The building is of a traditional cottage-style design and is set back some distance from the site's main frontage to Herkstead Lane. The site lies outside any defined development boundary in the Braintree District Local Plan
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Review Adopted Plan July 2005 (the Local Plan), and the surrounding area is predominantly countryside in character.

5. The statutory list entry identifies the building as an L-plan seventeenth century house of timber-frame and thatched roof construction, and indicates a variety of other architectural and historic features, both externally and internally, including casement windows, chimney stacks, plastering and a gabled porch. The building was altered in the nineteenth century and sub-divided into cottages, and has since been re-combined to form a single dwelling. Further historic details are set out in the appellant's Architectural History Report dated June 2013.
6. The significance of the dwelling as a building of special architectural or historic interest is both historic and aesthetic. It particularly derives from the integrity of the historic L-shaped plan in conjunction with associated architectural features and fabric, all thereby contributing to an asset of distinguished but relatively simple overall form.
7. The significance of the building also draws from its relatively open setting in views within its curtilage immediately from the north and south. The garden and other space around the building reinforce the historic and aesthetic value of the asset by highlighting its impressive form.
8. Whilst secondary to the main front elevation, the rear façade reflects the same overall simplicity of building style and, notwithstanding a more recently added single storey extension, its outward character appears broadly consistent with its historic form.
9. The proposal is to replace the existing single-storey rear extension with a small link building connecting to a larger two-storey extension comprising a kitchen/dining room area at ground floor and a bedroom/living area and bathroom at first floor.
10. The design of the proposed extension seeks to be reflective of, and be sympathetic to, the architecture and historic character of the host building. The extension would present two gable features occupying a central position, and would be finished in broadly complementary materials.
11. The linked design is also intended to safeguard the existing elevation by enabling the façade, in differing views, to be both hidden but visible. It would avoid significant alteration or removal of historic fabric in comparison to a more directly attached extension and would so enable retention of an uninterrupted eaves line at the base of the roof's thatch. The scheme seeks to integrate functionally with the existing building, and the appellant suggests the extension would resemble a not uncommon feature of rural farmhouses in the form of a detached outbuilding brought into use as domestic accommodation.
12. Notwithstanding these attributes, the building's essential character is as a detached, modest-sized historic dwelling of a traditional rural design, and it is the simple integrity of the building's plan and external form which particularly underlines its significance. Despite various internal alterations during the 1960's, the historic L-shaped plan form remains and the rear façade of the building continues to display a general linearity which is largely uninterrupted, despite addition of the relatively modest extension.

13. Whilst two gables as proposed would serve to minimise the overall height of the scheme, the scale of the extension would still be considerable, and the design would create an undue degree of visual complexity and intrusion at odds with the predominant linear form of the rear façade. The extension would thereby interrupt the established simplicity of the elevation and would introduce an unduly imposing presence.
14. Further, the proposed relatively detached rectangular plan would be at odds with the simple L-shaped footprint and which would effectively become part of a significantly larger dwelling and of a materially different form and character. This contrast would also be further highlighted by the proposed introduction of a balcony arrangement.
15. I find these shortcomings would also contrast with the merits of the existing extension. The appellant describes the existing single-storey extension as being weak in its proportions and suggests it undermines the qualities of the building and fails to enhance. I disagree, and find that the more limited scale, the relatively lightweight form of the existing structure, and its matching features, all make for a generally more sympathetic and subservient addition than that proposed.
16. Notwithstanding that detailed aspects of the proposal would have some consistency with the historic form and design of the dwelling, I therefore find the scheme would offer an overall incongruous relationship to the host building and would appear discordant. The scheme would harm the heritage significance of the existing building by reducing its visual integrity and by detracting from the relative simplicity of its historic form.
17. The National Planning Policy Framework (the Framework) makes a distinction between a proposal causing substantial harm to the significance of a designated heritage asset, such as a listed building, and a scheme that would lead to less than substantial harm.¹ The Framework requires less than substantial harm to be weighed against the possible public benefits of the scheme, including securing its optimum viable use.²
18. There would be private benefit to future occupiers, and particularly in serving the needs of dependent relatives as proposed. Whilst this may have some indirect public implication in terms of opportunity cost to social services, little evidence has been provided to that effect. There is also no evidence that the existing dwelling could not continue as a viable family home. The public benefit would amount to little more than creation of a larger dwelling. Although the scheme would provide a significant enhancement of the existing accommodation, I find no overall public benefits sufficient to outweigh the harm which would arise to the listed building.
19. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the decision-maker, in considering applications for listed building consent, to have special regard to the desirability of preserving the listed building. There is a clear presumption in this duty that preservation is desirable, and I find that the special interest of the Grade II listed building would be harmed by the proposed scheme such that it would fail to preserve the significance of this designated asset. Similarly, section 66 of the Planning

¹ Paragraph 134

² Paragraph 134

(Listed Buildings and Conservation Areas) Act 1990 places a duty upon the decision-maker, in considering applications for planning permission, to have special regard to the desirability of preserving the listed building.

20. I therefore conclude that the proposed works would incur significant harm to the special architectural and historic interest of the Grade II listed building at Folly Farm. Accordingly, to the extent that the development plan is a material consideration in **Appeal A**, the scheme would be contrary to Policies RPL 100 and RPL 90 of the Local Plan, and contrary to Policy CS9 of the Braintree District Council Local Development Framework Core Strategy 2011 (the Core Strategy). In relation to **Appeal B**, section 38(6) of the Planning and Compulsory Purchase Act, 2004 establishes a duty to determine applications for planning permission in accordance with the development plan unless material considerations indicate otherwise, and the same policies apply.
21. Policy RLP 100 of the Local Plan 'Alterations and Extensions and Changes of Use to Listed Buildings, and their Settings' seeks to ensure, amongst other things, that proposals do not harm the setting and character of the building, and that schemes do not result in the loss of, or significant damage to, architectural elements of special importance.
22. Policy RLP 90 of the Local Plan, 'Layout and Design of Development' seeks, amongst other matters, to ensure a high standard of layout and design in all developments and, amongst other criteria, for proposals to recognise and reflect local distinctiveness, and be sensitive to the need to conserve local features of architectural and historic importance.
23. Policy CS9 of the Core Strategy 'Built and Historic Environment' seeks, amongst other things, to protect and enhance the historic environment by ensuring that development respects and responds to local context, especially where development affects important buildings.
24. I consider these development plan policies to be broadly consistent with the Framework which recognises that heritage assets are an irreplaceable resource and requires them to be conserved in a manner appropriate to their significance.³ The Framework further states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.⁴

Character and appearance of the countryside

25. Policy RLP 18 of the Local Plan, 'Extensions to Existing Dwellings in the Countryside' seeks, amongst other things, to ensure that an extension is in harmony with a countryside setting, with particular regard to siting, design and materials, and is compatible with the scale and character of the existing dwelling and the plot upon which it stands. Extensions will be required to be subordinate to the existing dwelling in terms of bulk, height, width and position. Policy RLP 90 of the Local Plan and Policy CS9 of the Core Strategy also require designs to reflect local distinctiveness, and this is similarly reflected in the expectations of the Framework.⁵

³ Paragraph 126

⁴ Paragraph 132

⁵ Paragraph 60

26. The rear elevation is largely enclosed from public view but the site still occupies a distinctively countryside setting and contributes to its rural surroundings accordingly. I find that the harm identified in regard to the listed building would be similarly reflected in the wider character and appearance of the appeal site in views from within the curtilage to the south. Nevertheless, I recognise that the relationship of the extension in specific regard to the surrounding countryside would be restricted by the enclosed aspect of the rear elevation. Accordingly, harm to character and appearance would be largely confined to the extensive rear grounds of the host curtilage.
27. I therefore find that the proposed development would incur harm to the character and appearance of the countryside but only insofar as it relates to the appeal site itself. To that extent, the development would be contrary to Policy RLP 18 and Policy RLP 90 of the Local Plan, and to Policy CS9 of the Core Strategy. I find these policies to be broadly consistent with the Framework which seeks for planning to recognise the intrinsic character and beauty of the countryside.⁶

Other matters

28. I have noted references made by the appellant to other extensions to historic houses elsewhere. The courts have held that like cases should be decided in a like manner so that there is consistency in the appellate process.⁷ Whilst the Council takes some issue with comparisons drawn, full relevant details of other cases are not before this appeal. Even so, the particular circumstances of all cases will be different, each will be necessarily fact and context sensitive, and the findings I have reached in this instance reflect the specific considerations identified.

Sustainable development

29. The Framework makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development.⁸ Sustainable development is defined by the Framework with reference to the policies in paragraphs 18 to 219 taken as a whole.⁹ The Framework further identifies economic, social and environmental dimensions to sustainable development.¹⁰
30. Aside from creating a larger dwelling, I find the scheme would have little implication for the social or economic dimensions of sustainable development.
31. In environmental terms, the scheme would involve significant harm to a Grade II listed building and associated harm to the character and appearance of the appeal site.

Conclusions

32. The respective statutory duties applicable to each of **Appeal A** and **Appeal B** under sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 make strong presumptions against proposals incurring harm and thereby not preserving a designated asset. This is because the desirability of preservation is a consideration to which special attention must be paid as a

⁶ Paragraph 17

⁷ See *North Wiltshire DC v Secretary of State for the Environment* (1993)

⁸ Paragraph 6

⁹ Paragraph 6

¹⁰ Paragraph 7

statutory duty, and must be regarded as a matter of considerable importance and weight in any planning balance.

33. Further, in specific regard to **Appeal B** and section 38(6) of the Planning and Compulsory Purchase Act, 2004, I find the proposed scheme would be contrary to the development plan as a whole and that such conflict would not be out-weighted by other material considerations, including all relevant considerations of sustainable development which lie at the heart of the Framework.¹¹

34. For the above reasons, **Appeal A** and **Appeal B** are both dismissed.

Peter Rose
INSPECTOR

¹¹ See in particular paragraphs 6 and 14