

Appeal Decisions

Site visit made on 31 July 2017

by Kenneth Stone BSc Hons DipTP MRTPI

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

Decision date: 11th August 2017

Appeal A: APP/Z1510/D/17/3172574

Round House, Howe Street, Finchingfield, Braintree CM7 4HZ

- 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 L Pharaoh against the decision of Braintree District Council.
 - The application Ref 17/00031/FUL, dated 5 January 2017, was refused by notice dated 1 March 2017.
 - The development proposed is described as 'erection of a single storey rear extension replicating plan form of removed structure, minor landscaping works and alterations to create access from host accommodation'.
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Appeal B: APP/Z1510/Y/17/3172572

Round House, Howe Street, Finchingfield, Braintree CM7 4HZ

- 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 L Pharaoh against the decision of Braintree District Council.
 - The application Ref 17/00032/LBC, dated 5 January 2017, was refused by notice dated 1 March 2017.
 - The works proposed are described as 'erection of a single storey rear extension replicating plan form of removed structure, minor landscaping works and alterations to create access from host accommodation'.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Main Issues

3. The main issue is whether the proposal would preserve the grade II listed building known as The Round House or any features of special architectural interest that it possesses in respect of both appeal A and appeal B.

Reasons

4. The appeal site relates to the property known as The Round House, a hexagonal plan, timber framed, building with rendered walls, a thatched roof and a central chimney stack. There is a small gabled entrance porch with a tiled roof that is a later addition. The building is located on land elevated above the adjacent highway and the historic mapping illustrates it was set in a much smaller plot of land.

5. It is suggested the building was built by the Spains Hall Estate. It is described as a Cottage orne of late C18/early C19 in the list description. As a decorated cottage it relates to the rustic stylised cottages of this period, the term referring to a rustic building of picturesque design according to Historic England.
6. The building derives its significance from its architectural composition, simple symmetry and historical association with the Spains Hall Estate. Whilst much of the internal layout has been reordered and previous alterations have affected some of the external façade, the overall integrity of the plan shape, simple form, ordered elevations and openings and thatched roof make important contributions to the significance of the architectural expression of the style. As a Cottage orne it was most likely a retreat or adjunct for the main estate and whilst may have accommodated some residential use this may not have been its primary purpose, this is not clear from either party.
7. What is clear is that the building has undergone some alterations and additions. Most notably the list description includes reference to a previous single storey extension which has now been removed. The appellants suggest that the proposed extension would replace that previous extension with a more compatible and better integrated extension.
8. The proposed extension would have a rectangular plan, the width of one segment of the hexagon, and projected outwards. It would be provided with a ridged roof with a gable end that would be tiled. The extension would be timber clad, painted to match the main building, set on a low brick plinth.
9. The proposed works to the listed building in attaching the new structure and penetrating the access through the main wall would it is suggested not effect historically significant original material as this is where the previously removed extension was located.
10. The proposed extension would result in the addition of a single storey extension to one side of the hexagonal plan form. This would detract from the original plan form and overall shape of the building and would thereby disrupt the carefully composed geometric symmetry of the building. The proposed extension with its large pitched tiled roof and timber cladding would introduce materials that do not compliment or sufficiently differentiate the extension from the original structure. As such they further obscure and confuse the original form of the building. This would be harmful to the architectural quality and composition of the building which is of great importance in its contribution to the significance of the building.
11. The previous extension that has been removed does not provide strong justification to allow this new extension. That previous extension, although on the building at the point of listing, was a modern addition and did not add to the significance of the building. The Council note that its removal was done without Listed Building Consent but accept that this made a positive contribution to the significance of the building by re-instating the original plan form and shape of the building and I agree with them in this regard. The previous extension does not therefore provide good reason to allow a new extension now. Also the remains of the extant planning permission from when the building was not listed but partially implemented is not justification for allowing this extension. It is not a viable fall-back position at this point in time

- because there is no listed building consent, which would be required to implement as the building is now listed.
12. I accept that the proposal would not directly result in the loss of historic fabric by the opening of the access between the main building and the proposed extension as this is at a point where there had been a previous extension.
 13. For the reasons given above I conclude that the proposals would be harmful to the special architectural and historic interest of the building. The proposals would therefore conflict with policy RLP100 of the Braintree District Local Plan Review which seeks to ensure that alterations and extensions and changes of use to listed buildings do not harm the setting, character structural stability and fabric of the building.
 14. The proposal would affect the overall shape and form of the building by an addition to only one face of the six, this would, in my view, amount to less than substantial harm in the terms of The National Planning Policy Framework (the Framework). Paragraph 134 of the Framework requires that I should weigh this harm against the public benefits of the proposal, including securing its optimum viable use.
 15. The appellant suggests that the existing accommodation does not provide for the amenities required for modern day living, is unable to provide for a downstairs WC or a reasonably sized kitchen area and therefore the additional space is required to ensure the building's ongoing use as a dwelling. However, the property is currently being occupied as a dwelling and it has been for a number of years. Yes it is a small one bedroom dwelling with limited facilities, but all the necessary facilities are accommodated within the existing plan form. The original building would have been constructed with its association with the main estate and therefore may not have required the facilities of a fully independent dwelling. Whilst modern living has increased the reasonable demands on facilities that are required these must be carefully considered and accommodated, where possible, within the context of the historic building and those aspects that contribute to its significance. The suggestion that the continued use as a dwelling will not be maintained if the extension is not accepted has not been robustly justified.
 16. Moreover, as the Council note, there are alternative other uses that could be considered and may be viable to maintain the historic and architectural integrity of the building. These matters have not been fully explored by the appellant and therefore cannot be discounted. Even where there is a shortfall in the housing land supply position the effect on the listed building is a significant consideration that must be given significant importance and weight. The proposals would not result in additional housing but simply an extended dwelling.
 17. On balance therefore I conclude the benefits of the scheme argued by the appellant, in my view, do not out-weigh the less than substantial harm to the listed building that I have identified and to which I have given great weight and importance.
 18. For the reasons given above I conclude that both appeals should therefore fail.

Kenneth Stone
INSPECTOR