
Appeal Decision

Site visit made on 24 October 2019

by Mr J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2019

Appeal Ref: APP/C1570/W/19/3226498

1 Beaumont Hill, Great Dunmow, Essex CM6 2AW

- 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 Ms Evelyn Day against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0294/HHF, dated 7 February 2019 was refused by notice dated 9 April 2019.
 - The development proposed is to replace the current green metal shed with a cream wooden garage/shed.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal on the setting of this Grade II listed building, whether it preserves or enhances the character or appearance of the Great Dunmow Conservation Area, and its impact on the significance of these 2 designated heritage assets. Furthermore, if harm would be caused to the significance of either asset, an additional issue is whether or not that harm would be outweighed by public benefits.

Reasons

3. Externally, the special architectural and historic interest and the significance of this Grade II listed building lie partly in the way its thatched roof, plastered walls and simple form show it to be a humble and modified cottage from the 18th Century. This is enhanced by the relatively haphazard and apparently unplanned composition it forms with a similar cottage, 3 Beaumont Hill, immediately to the front and another cottage, Spring Thatch, to the side.
4. The proposed garage would be in the relatively narrow gap between No 1 and Spring Thatch, and so would be set back from the pavement behind the shared parking area. The submitted plans offer limited information about the proposal. However, from what is before me it would appear it would not be specifically designed for this location but, as the Council said, it would be an 'off-the-shelf' structure. This shed/garage would not require listed building consent as it would be a detached building. Despite this, under section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* when considering an application for planning permission I am required to have regard to the desirability of preserving the setting of the listed building.

5. Based on what is before me the proposal would substantially fill the gap between these 2 houses, yet the plans show it would display few details that integrated it into its context or made its appearance more than merely functional. Moreover, although wooden buildings could be suitable around properties of the age of the appellant's house, I have nothing to show that the treatment or finish of the timber in this instance would be sympathetic. As a consequence, the proposal would relate poorly to No 1. Given its prominence across the shared access this harm would also undermine the composition of this grouping of buildings. It would therefore not be in keeping with its surroundings and would adversely affect this listed building by harming its setting.
6. In coming to this view, I accept that the proposal would be replacing a small green metal storage shed that currently stands in this location. I note too that the appellant alleges what is before me will relate more appropriately to her property than that unsightly structure. However, the shed is not as large as the proposal and at the moment stands behind a fence. What is now proposed, if it was to be used as a garage, would presumably not be concealed by fencing and so would be more prominent. It would therefore give rise to a different form of harm in this context for while its materials may be more suitable it would be more striking and dominant. Therefore, the presence of the green shed does not lead me to different findings.
7. The appellant said she was willing to hear suggestions about what would be acceptable, but I could only achieve that through the imposition of conditions. However, the extent of necessary alterations would be sufficient to create a development of a fundamentally different appearance. As such, the imposition of conditions to this effect would not be suitable.
8. Accordingly, I conclude the proposal would cause harm, albeit less than substantial, to the significance of this listed building due to its adverse effect on the setting of No 1.
9. The site is in the Great Dunmow Conservation Area. The character and appearance of this is defined by historic buildings of varying ages, and its significance lies in the way these, and their intervening spaces, show the evolution of this organic rural settlement over time. Mindful that the proposal would be visible from the road, as I have found above that it would harm the setting and significance of the listed building, for the same reasons I consider it would cause harm, again less than substantial, to the significance of the conservation area.
10. In support of her case the appellant drew my attention to developments at various other properties in the area. However, I have no information about the backgrounds to these works, or the contexts in which they were accepted. Moreover, most of these properties are not listed though, and indeed many on the opposite side of the road are outside the conservation area. They are therefore in an entirely different planning context to the proposal before me. Lavender Cottage is listed but its outbuilding, although seemingly larger than what is now before me, is set well down the garden, away from the dwelling, and is scarcely visible from the frontage. Its impact on Lavender Cottage and the conservation area is therefore not comparable to the appellant's scheme.
11. The *National Planning Policy Framework* (the Framework) states that when it is found that a proposal would cause less than substantial harm to a designated

heritage asset that harm should be weighed against any public benefits. No such benefits have been cited in this instance and I am aware of none existing.

12. Although the Council has cited Policy S7 from the *Uttlesford Local Plan* it has not been shown the development would harm the countryside.
13. Accordingly, I conclude that the proposal would cause less than substantial harm the significance of this Grade II listed building by reason of its impact on the building's setting. It would also fail to preserve the character or appearance of the conservation area, causing less than substantial harm to the significance of this designated heritage asset as well. In the absence of any public benefits to outweigh this harm, the scheme would conflict with Policies ENV1 and ENV2 in the *Uttlesford Local Plan* that seek to protect listed buildings and conservation areas, and related guidance in the Framework, and so the appeal is dismissed.

J P Sargent

INSPECTOR