



Appeal Decisions

Site visit made on 22 October 2019

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 01 November 2019

Appeal A: APP/Z1510/W/19/3233923

Appeal B: APP/Z1510/Y/19/3233926

Witches, New Green, Bardfield Saling, Essex CM7 5EG

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission and under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) against a refusal to grant listed building consent.
 - The appeals are made by Mr Robert Wood (agent) against the decisions of Braintree District Council.
 - The applications Ref 18/02246/FUL and 18/02247/LBC, dated 16 December 2018, were refused by notices dated 11 February 2019.
 - The development proposed is refurbishment works to existing cottage, minor amendments to existing side extension, removal of existing conservatory, construction of new single-storey rear extension, removal of existing outbuildings and sheds, construction of new single-storey double garage, garden studio and garden pavilion.
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Decisions

1. The appeals are allowed and planning permission and listed building consent are granted for refurbishment works to existing cottage, minor amendments to existing side extension, removal of existing conservatory, construction of new single-storey rear extension, removal of existing outbuildings and sheds, construction of new single-storey double garage, garden studio and garden pavilion at Witches, New Green, Bardfield Saling, Essex CM7 5EG in accordance with the terms of the applications, Ref 18/02246/FUL and 18/02247/LBC, dated 16 December 2018, and the plans submitted with them, subject to the conditions at the end of this decision letter.

Main Issues

2. From the reasons for refusal, the main issues in these appeals can be summarised as:

Appeal A

3. The effect of the proposed extension and landscaping on the character and appearance and setting of 'Witches' which is a listed building at Grade II:

Appeal B

4. The effect of the proposed works on the architectural character and historic interest of 'Witches' which is a listed building at Grade II, having regard to its setting, character, structural stability and fabric.

Reasons

5. 'Witches' is a thatched timber framed house with 4 bays and a central brick chimney stack, originating from the 17/18th centuries. It has been extended with a utility area on the east end and a glazed conservatory to the rear. The Council has no objection to the proposed garden structures in the form of a double garage, garden studio or pavilion. I consider that the replacement of the existing garage with a building of improved design and material quality at a prominent position on the frontage would enhance the setting of the listed building.
6. As might be expected, the building has been altered over time. Originally two cottages, a central porch was added in the 20th century and the dwellings combined. Most original fabric survives, including the elm frame, elm floor boards, staircases and doors, though some of the interior surfaces are showing signs of failure and wear. The alterations to the frame demonstrate the evolution of the building to suit the requirements of the occupiers. This contributes to its historic interest. Its heritage significance stems from this and its vernacular architectural character, set in a large plot. A small thatched store shed at the rear has significance for its historic and evidential value.
7. Turning to the proposed new rear extension, the new single storey kitchen/dining/living area would be significantly lower in height, shorter in length and slightly less wide than the existing building. It would be simple and contemporary in design, featuring black weatherboarded wall cladding, metal sliding folding glazed doors and a slate roof. The design and materials would markedly contrast with the listed building and would not compete with it, appearing regressive and subservient. The extension would be related in appearance to the ancillary garage, pavilion and studio. As the ground rises behind the listed building, a substantial amount of excavation would be required, and this would further reduce the prominence of the structure seen in the overall curtilage. For these reasons, there would be little difficulty understanding the origins of the listed building and its heritage significance.
8. The existing 20th century polygonal conservatory is weathering poorly, is out of keeping and is proposed to be removed. This would be a distinct benefit of the scheme. The proposed new rear extension would be accessed through a narrower glazed link which would reveal more of the listed building and help in understanding its fabric and form. Looking in the round, the removal of the conservatory and its replacement with the proposed extension would represent an enhancement in heritage terms. The development would represent a further evolution of the listed building as a dwelling, enhancing its architectural character and historic interest.
9. Great weight attaches to the conservation of designated heritage assets. Paragraph 194 of the National Planning Policy Framework (NPPF) requires clear and convincing justification for any harm. Whilst the conversion of the kitchen to a bedroom with a new floor might be beneficial, it was unclear at the site inspection that there are any frame members that are insubstantial or damaged in the location where a door is proposed to the new changing area. It is unclear why the removal of any original fabric should be necessary to provide changing facilities.
10. Similarly, the installation of two new rear dormers, whilst these may have been conditionally supported by the Council at the pre-application stage, would

involve loss of some historic fabric over the purlin and also introduce a degree of complexity into what were intended to be utilitarian dwellings. In considering this matter, it is apparent that the westernmost dormer would directly face the gable of the new extension at a distance of less than 2 metres. This would compromise the relationship between both buildings by lending emphasis to the glazed link, almost making it appear as if the extension had been positioned to obscure a pre-existing element of the listed building. This dormer would compromise perception of the original building's purpose and simple architecture. Recognising that ventilation and use of bedroom 3 could be improved without loss of a significant amount of existing fabric, the easternmost dormer would not bring about unacceptable harm.

11. With regard to the internal alterations and renovations, with these exceptions, providing that the proposed repairs and modifications are carried out in accordance with the submitted heritage statement, no harm to heritage interests would occur and the fabric would be conserved for the future. The alterations would enhance understanding of the historical use of the property and its evolution over time.
12. The proposed landscaping and planting would reduce the likelihood of damp entering the listed building and would reveal more of the listed building seen from the north. Details of the proposed materials to be used need to be provided to ensure that the landscaped courtyard appears subdued and sympathetic to the historical use of the building and its architecture. It is also unclear how the existing thatched store shed is to be incorporated in terms of levels. For these reasons, appropriate conditions need to be imposed.
13. Given that landscaping conditions can reasonably be imposed, no plausible reason has been provided to justify refusing the appeals on arboricultural or landscape character grounds. No trees are to be lost in the front garden and three trees removed at the rear are in the north east corner of the garden where there would be no noticeable impact on setting.
14. I conclude that overall, with the exception of the ground floor doorway into the changing area and the western most dormer, the proposed extension, outbuildings, internal renovations and improvement works would enhance or cause no unacceptable harm to the heritage significance of the listed building. There would be no conflict with the heritage protection aims of the NPPF, saved policies RLP18, RLP80, RLP81, RLP90, RLP95 and RLP 100 of the Braintree District Local Plan Review of 2005 or Policy CS9 of the Braintree District Core Strategy of 2011. The reasons for refusal refer to emerging policies of the Braintree District Draft Local Plan published for consultation purposes in 2017. Limited weight currently attaches to the emerging policies, but in any event no conflict is found with the heritage protection objectives of emerging policies SP1, SP6, LPP1, LPP38, LPP50, LPP56, LPP60 and LPP71.

Conditions

15. Conditions are imposed preventing the creation of the westernmost dormer and the internal door to the changing area. Further to the approved drawings, samples are required of the proposed material finishes and landscape surface treatment, in order to ensure that the development is sympathetic to the age and character of the listed building. Details of the glazed junction with the listed structure and of the level of the shed store are required for the same reason. Details of any CCTV and external lighting are required because of the

heritage interest of the building. Method statements are to be provided for the works in accordance with the submitted Heritage Statement, to ensure that loss of historic fabric is minimised, and the structure safeguarded. As certain works require exposure, removal or repair of original fabric, access should be provided for the local planning authority to record details if required. Finally, except as noted above, the development is to be carried out in accordance with the approved drawings, as this provides certainty.

16. For all the above reasons, the appeals should succeed.

Paul Jackson

INSPECTOR

Schedule of conditions

Planning permission

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Notwithstanding the approved plans, no door opening affecting the existing timber structural frame is to be created from the present kitchen area at the east end of the building into the proposed changing room.
- 3) Notwithstanding the approved plans, no dormer window is to be inserted into the north elevation at first floor on the west side of the existing building.
- 4) No development is to take place until details at a scale of not less than 1:10 of the glazed link and samples of roof slates, finished weatherboarding, sliding folding doors and landscape paving have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
- 5) No external landscaping shall take place until details of hard landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: hard surfacing materials; the level and location of the retained shed store; lighting and CCTV; and an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the rear extension is first occupied.

- 6) Except where altered by other conditions set out above, the development shall be carried out in accordance with the following approved drawings:

Location Plan Ref: RWS_WT_01 Version: A

Roof Plan Ref: RW_WT_06 Version: A

Section Plan Ref: RW_WT_09 Version: A

Proposed Site Plan Ref: RW_WT_12 Version: B

Proposed Ground Floor Plan Plan Ref: RW_WT_11 Version: A

Proposed 1st Floor Plan Plan Ref: RW_WT_12 Version: A

Roof Plan Plan Ref: RW_WT_13 Version: A
Proposed Elevations Plan Ref: RW_WT_14 Version: A
Proposed Elevations Plan Ref: RW_WT_15 Version: A
Section Plan Ref: RW_WT_16
Garden Study Plan Ref: RW_WT_17
Garden Study Plan Ref: RW_WT_18
Garage Details Plan Ref: RW_WT_19
Block Plan Plan Ref: RWS_WT_02 Version: A

Listed building consent

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Notwithstanding the approved plans, no door opening affecting the timber structural frame is to be created from the present kitchen area at the east end of the building into the proposed changing room.
- 3) Notwithstanding the approved plans, no dormer window is to be inserted into the north elevation at first floor on the west side of the existing building.
- 4) No works are to take place until details at a scale of not less than 1:10 of the glazed link, and samples of roof slates, finished weatherboarding, sliding folding doors and landscape paving have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and samples.
- 5) No internal works or works to the external fabric of the listed building shall take place until a Method Statement in accordance with the Heritage Statement by Corrie Newall dated 3 July 2019 has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.
- 6) The developer shall give the local planning authority 7 days advance notice of the start of any works to the listed building and, for a period of 14 days before any work takes place, access to the building shall be given to a person/body nominated by the local planning authority for the purpose of recording the building or interior by making measured drawings or taking photographs.
- 7) Except where altered by other conditions set out above, the works shall be carried out in accordance with the following approved drawings:

Location Plan Ref: RWS_WT_01 Version: A
Roof Plan Ref: RW_WT_06 Version: A
Section Plan Ref: RW_WT_09 Version: A
Proposed Site Plan Ref: RW_WT_12 Version: B
Proposed Ground Floor Plan Plan Ref: RW_WT_11 Version: A
Proposed 1st Floor Plan Plan Ref: RW_WT_12 Version: A

Roof Plan Plan Ref: RW_WT_13 Version: A

Proposed Elevations Plan Ref: RW_WT_14 Version: A

Proposed Elevations Plan Ref: RW_WT_15 Version: A

Section Plan Ref: RW_WT_16

Garden Study Plan Ref: RW_WT_17

Garden Study Plan Ref: RW_WT_18

Garage Details Plan Ref: RW_WT_19

Block Plan Plan Ref: RWS_WT_02 Version: A