



Appeal Decision

Site visit made on 2 December 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2019

Appeal Ref: APP/C1570/W/19/3236659

Barn at Hill House, Cambridge Road, Quendon, Essex CB11 3XJ

- 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 Roy Harris against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0362/FUL, dated 15 February 2019, was refused by notice dated 28 June 2019.
 - The development proposed is described as 'barn conversion, extensions and alterations with proposed new vehicular access'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An application for an award of costs was made by Mr Roy Harris against Uttlesford District Council. This application will be the subject of a separate Decision. During my site visit I took the opportunity to view the appeal site from The Old Kings Head, as invited to by the occupants beforehand.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Quendon and Rickling Conservation Area; and
 - The effect of the proposed development on the living conditions of the occupants of The Old Kings Head and The Old Rectory, with reference to privacy and outlook.

Reasons

Whether the proposed development would preserve or enhance the character or appearance of the conservation area (CA)

4. Quendon is a linear settlement broadly characterised by historic buildings loosely arranged along, and addressing, the B1383. These buildings provide the Quendon section of the CA with much of its significance and interest. In this respect, what I observed is consistent with the findings of the Quendon and Rickling Conservation Area Appraisal and Management Proposals 2015 (CAA), which explains that Quendon has changed little since the 19th Century save for some limited infilling and significant increases in traffic along the busy B1383.

5. The CAA also explains that boundary treatments are an important element in the CA. Flint walling is specifically identified as being a feature that gives texture and local distinctiveness. The wall separating the appeal site from the B1383 is a low flint and brick wall with an attractive half round brick cap and landscaped backdrop. It is similar to several historic boundary walls in the northern section of the CA. Railings are attached to the top of the wall and these provide continuity with those on the northern side of The Old Kings Head.
6. Although possibly a modern rebuild, the boundary wall proposed for partial demolition is well detailed (there are no movement joints for example) and has a convincing historic appearance including a patina of age. The wall therefore contributes positively to the character and appearance of the CA. In fact, the railings attached to the wall are specifically identified in the CAA as being a 'distinctive feature to be protected from demolition'.
7. In order to provide an access directly into the appeal site, part of the wall and railings would be demolished in direct conflict with the guidance in the CAA. This would result in the continuity of frontage provided by the wall and railings being harmfully disrupted. The thick hedge behind the wall would also be breached. As already explained, the wall and railings are an interesting and attractive built feature in their own right, which the proposal would adversely alter. The gates inserted in the place of the wall would be unusually grand for what is a small barn type structure. Accordingly, the proposal would result in moderate harm to the character and appearance of the CA.
8. In coming to this view, I note that the Conservation Officer did not object to the proposal, but their original comments are simply a list of suggested planning conditions with little further explanation provided. A follow up email confirmed that the height and design of the new gates would be acceptable, but no further discussion is given as to why, and no commentary provided on the loss of part of the wall and railings. The comments do not refer to the CAA. It is therefore entirely unclear how they came to the view they did. As such, I give the findings of the Conservation Officer very limited weight.
9. Thus, I conclude that the appeal scheme would harm the character and appearance of the CA. It would therefore be at odds with Policy ENV1 of the Uttlesford Local Plan 2005, which seeks to secure development that preserves or enhances the character and appearance of the essential features of conservation areas, including enclosures. This is an aim consistent with Paragraph 185 of the National Planning Policy Framework (the 'Framework').

The effect of the proposed development on the living conditions of the occupants of The Old Kings Head, with reference to privacy and outlook

10. The appeal building is located to the south of The Old Kings Head and on slightly higher ground. The former pub has a modest courtyard style garden. The appeal building is not readily apparent from the patio at this property but is visible from the small lawn. The most sensitive part of the very large garden at the Old Rectory is behind the property and away from the appeal building so there would be no harmful impact on the residents of this property.
11. The conversion would involve re-opening what appears to be an historic window, which would serve a new living room. This would have an outlook directly towards the boundary fence of The Old Rectory. The garden of The Old

Kings Head would be at an oblique angle to the window and screened by the existing brick boundary wall such, there would be no harmful effect on privacy.

12. The roof light in the northern elevation of the building would be set high in the roof and would not directly face The Old Kings Head. In any event, the window could be finished in obscured glass because it would not be the only window serving the bedroom. The west facing window would also be high level, small and facing the road rather than The Old Kings Head. As such, there would be no harmful loss of privacy, actual or perceived, from the appeal scheme. The comings and goings from a small dwelling are unlikely to result in a harmful loss of privacy because the existing boundary treatment would prevent casual overlooking from the garden of the proposed dwelling.
13. Some overlooking from the kitchen may be possible through the part glazed door, but this would be mitigated if the glass were obscured or the door replaced with a wholly solid design – this could be secured through a suitably worded planning condition. Like the roof light in the northern roof slope, this could be done without harming the outlook from the proposed dwelling as there would be other unobscured windows.
14. The extension would be modest and would only encroach slightly into the southern aspect from The Old Kings Head. It would not appear overbearing and therefore the extension would safeguard the outlook from this neighbouring property. I therefore conclude that the appeal scheme would not harm the living conditions of the occupants of The Old Kings Head and The Old Rectory and therefore a conflict with Policy GEN2 of the LP, which seeks to protect the living conditions of neighbours, would not occur.

Other Matters

15. The harm to the CA would be localised and therefore 'less than substantial' within the meaning of the Framework. Paragraph 196 therein requires such harm to be weighed against the public benefits of the proposal.
16. The proposal would facilitate the conversion of a listed structure to a dwelling thereby securing a long-term use for the building. However, the conversion would require notable domesticising alterations to a building that already has a sensitive use as a store, which is more akin to its original purpose. Therefore, the benefits to heritage have been over stated by the appellant. Moreover, I share the view of the Council that the harm that would occur from breaching the wall is unnecessary, as there is already a highway access into Hill House that could be used instead.
17. The proposal would boost housing supply through the reuse of an existing building at a point in time when the housing supply deficit is acute. However, the contribution would be very modest. The proposal would also result in benefits to the construction industry, but these would be short lived. I have seen nothing to suggest the 'spend' from one small household would have a notable effect on the viability of local facilities or the additional residents to the vitality of the community. For example, evidence has not been provided to suggest local facilities or clubs are suffering for lack of patronage. I have seen nothing of substance to suggest there is a pressing need for a one-bedroom dwelling. As such, the cumulative benefits of the proposal carry limited weight.

18. Thus, when giving considerable importance and great weight to the special regard I must have to the desirability of preserving or enhancing the character or appearance of the CA¹, the harm that would arise from the appeal scheme would not be outweighed by its cumulative public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to a designated heritage asset would not have a clear and convincing justification.
19. Paragraph 11 of the Framework states that in situations where a Council is unable to demonstrate a five-year supply of deliverable housing sites, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide clear reasons for refusing the development proposed. As in this instance the public benefits of the proposal would not outweigh the harm to the CA, the policies in the Framework provide clear reasons for refusing the appeal scheme. It is therefore unnecessary to consider whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
20. The Council and the appellant agree that the appeal structure is part of a listed building, although neither are sure whether it is listed as part of The Old Kings Head or The Old Rectory. Regardless of this, listed building consent² (LBC) has been granted for the works to the building, so I need not consider this further. The LBC is only concerned with the impact of the proposal on the listed building and should not be taken as an indication the proposed works are acceptable in other respects, or that the Council's findings in respect of the planning application were inconsistent with the approval of LBC.
21. The appellant's heritage consultant has suggested that the front boundary wall is also listed as it is attached to an historic wall at The Old Kings Head. However, given my overall conclusion it is unnecessary to consider this point further because the appeal has failed for other reasons. Similarly, various concerns have been raised by interested parties including reservations regarding highway safety, which I have noted. However, given my overall conclusion it has not been necessary for me to address these matters either. I have carefully considered the Planning Officer's report recommending approval, but I have come to my own conclusions for the reasons given.

Conclusion

22. The proposed development would not harm living conditions. However, it would fail to preserve or enhance the character or appearance of the CA and therefore the proposal would not accord with the development plan taken as a whole. There are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR

¹ See Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

² Council reference UTT/19/0311/LB