



Appeal Decisions

Site visit made on 20 January 2020

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2020

Appeal A Ref: APP/C1570/W/19/3238291

18 Church Street, Great Dunmow, Essex CM6 2AD

- 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 Mizan Sabur and Ms Emma Marcus against the decision of Uttlesford District Council.
- The application Ref UTT/19/1102/HHF, dated 9 May 2019, was refused by notice dated 9 July 2019.
- The development proposed is the demolition of existing kitchen and bathroom (modern extension); 2-storey side extension; and, replace existing shed with a single storey rear extension.

Appeal B Ref: APP/C1570/Y/19/3238293

18 Church Street, Great Dunmow, Essex CM6 2AD

- 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 Mizan Sabur and Ms Emma Marcus against the decision of Uttlesford District Council.
 - The application Ref UTT/19/1103/LB, dated 9 May 2019, was refused by notice dated 9 July 2019.
 - The works proposed are the demolition of existing kitchen and bathroom (modern extension); 2-storey side extension; and, replace existing shed with a single storey rear extension.
-

Decisions

Appeal A Ref: APP/C1570/W/19/3238291

1. The appeal is dismissed.

Appeal B Ref: APP/C1570/Y/19/3238293

2. The appeal is dismissed.

Preliminary Matter

3. As the proposal concerns a listed building in a conservation area, I have had special regard to sections 16(2), 66(1), and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are:
 - whether the proposal would preserve the grade II listed building whose statutory address is 18 and 20 Church End, and any of the features of special architectural or historic interest that it possesses;
-

- whether it would preserve or enhance the character or appearance of the Great Dunmow Conservation Area; and,
- its effect on the setting of neighbouring listed buildings.

Reasons

The listed building and the Great Dunmow Conservation Area

5. No 18 is part of a complex of timber-framed buildings dating from the C16 with C18 additions, now occupied as 2 houses, and listed for their value as a group. The disposition of the buildings of quite different height, their form, and their vernacular detailing, suggests that the present configuration has developed over the centuries in response to the agricultural, industrial and social conditions of the time. Most notable is the roofscape of gables of various scale, set obliquely to one another and in front of the part-hipped roof over the striking 3-storey element, itself a backdrop to the raised chimneys teetering over the single storey range below.
6. This part of the Conservation Area has grown around the C13 church of St. Mary's and the road leading to it, but its development appears to have halted abruptly long ago. The curious arrest of its development is heightened by its pastoral setting which includes the River Chelmer. The buildings which line the streets exhibit a rich, historic townscape of Essex craftsmanship alongside alterations which mark the architectural preoccupations during their evolution. This is the rich and precious historic and architectural context in which the listed building is a crucial and prominent element.

The proposal

7. The proposal is to remove the modern ground floor extension and garden shed and to extend the ground floor for new accommodation, together with an extension to the first floor to form a bathroom.

The effect on the listed building

8. Though I did not enter the garden shed because of its condition, it appeared to have very limited interest in terms of the historic and architectural significance of the building. So too the present ground floor extension, which appears relatively modern and architecturally unremarkable.
9. However, the paired chimneys at the hinge-point of the ground floor plan show successive additions and different approaches to construction which adds to the significance of the building. Subject to these stacks' retention and a temporary works method statement, the work at this corner and the loss of the shed and the modern ground floor extension would not harm the special architectural character of the building or its historic significance.
10. The height of the ground floor extension would be around the same as the low projecting wings at the front of the site. Its arrangement around the listed building would follow the present footprint, concentrated to the back of the plot, and its form would reflect the rest of the buildings on the site. Subject to conditions to secure materials and detailing and to control the precise extent of the work beside the stacks which must be retained because of their historic fabric, I can see no harm from the proposed ground floor extension to the special architectural or historic interest of the building.

11. The formation of an opening through the external wall of the first floor of the building would result in some historic fabric loss of wall material, though it would be limited, and I could see no internal joinery or spatial arrangement which would be harmed by this work. The reduction of the modern window in the second floor would not harm the historic framing. Though it holds its own place in the historical development of the building, given its age and its size in the setting of the older window openings of the building, I can see no harm from its reduction in terms of the special architectural character of the building or its historic significance. Its adjustment is a neutral factor of the proposal.
12. Notwithstanding this, the first floor extension would reduce the prominence of the 3-storey element. I appreciate that the design has been executed with sensitivity to the characteristic forms and detailing of the building. I have taken into account that part of the interest and character of this building is how it has gradually evolved over time. However, the first floor element would remove more than it brings, in townscape terms. More significantly, the freestanding character of the 3-storey building is enhanced by the free space around it which would be diminished by the first floor section of the proposal which would encumber its spatially free character.
13. The first floor section of this proposal would not preserve the grade II listed building and its features of special architectural interest described above. It would conflict with LP policy ENV2 which requires development not to impair the special characteristics of a listed building.

The effect on the Great Dunmow Conservation Area (CA)

14. The listed building occupies a prominent corner site in the CA, where the 3-storey building features in close and mid-range collective townscape views from three directions. The harm I have identified above would be conspicuous in the CA and would diminish its high quality townscape. I acknowledge the degree of harm to the significance of the CA would be less than substantial. Nonetheless the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA, against which test, the effect of this proposal on the appearance of the CA, fails.
15. I can see no conflict from the proposal with the policies of the Great Dunmow Neighbourhood Plan, nor with policies S1 and H8 of the Uttlesford Local Plan 2005 (LP) which concern settlement character and extensions. However, it would not preserve the appearance of the Great Dunmow Conservation Area. It would conflict with LP policies ENV1 and GEN2 which require development to preserve or enhance the character and appearance of the essential features of a conservation area including the relationship between buildings, and to be compatible with the form and layout of surrounding buildings and with their character.

The effect on the setting of neighbouring listed buildings

16. There are numerous listed buildings nearby, along the approach to the church, and further down Church Street. I can identify no direct link between them and this building, and they are separated from it by open space or street.
17. Given the degree of separation and the confinement and scale of what I have identified as the harmful element of the proposal, and in the context of the definition of setting in the National Planning Policy Framework (the

Framework), as the surroundings in which a heritage asset is experienced, the first floor element of this proposal would have such limited impact on the setting of the surrounding listed buildings that they would be preserved in accordance with the expectations of the Act, and the requirements of LP policy ENV2 which protects the settings of listed buildings.

18. Nor would there be any conflict in this regard with the objectives of the Framework which recognises the potential for harm to the significance of a designated heritage asset from development within its setting.

Other Matters

19. I have noted the Council's concerns about the effect of the proposal on the living conditions of neighbours with regard to overshadowing and the loss of outlook. However, while their outlook would change, the new buildings would not reduce this to an unacceptable degree. Similarly, though there may be some overshadowing of the back gardens of Nos 20 and 20a, there is no evidence that the degree of overshadow would harm the living conditions of the surrounding occupiers.

Conclusion

20. The proposal would preserve neither the special architectural interest of the listed building nor the appearance of the CA. Paragraph 194 of the Framework advises that significance can be harmed or lost through the alteration or destruction of those assets, and that any harm to the significance of a designated heritage asset should require clear and convincing justification. Although the degree of harm I have identified would be less than substantial, this does not equate to a less than substantial planning objection, especially where the statutory tests are not met.
21. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimal viable use of listed buildings. The appellant claims that the works would improve the amenity and appearance of the house and sustain its use. However, the continued use of the building is not dependent on these works as the present residential use would not cease in its absence. The internal improvements would not amount to a public benefit. I appreciate that the replacement ground floor extension may improve the appearance over the existing, though its inconspicuous siting at the back of the plot limits the weight I can accord it. Its replacement would not outweigh the harm identified.
22. I conclude that though the proposal would not harm the setting of neighbouring listed buildings, it would fail to preserve the special architectural interest of the grade II listed building, as well as the appearance of the CA. It would fail to satisfy the requirements of the Act and the development plan, as well as paragraph 192 of the Framework. For the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Patrick Whelan

INSPECTOR