



Appeal Decision

Site visit made on 10 February 2020

by A Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 8 April 2020

Appeal A Ref: APP/Z1510/Y/19/3236380 Brook Farm House, Colchester Road, Halstead CO9 2HD

- 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 Keith Blacklaws against the decision of Braintree District Council.
- The application, 19/00753/LBC dated 26 April 2019 was refused by notice dated 22 July 2019.
- The development proposed is for proposed conversion of garage to dwelling and new driveway access.

Appeal B Ref: APP/Z1510/W/19/3236381 Brook Farm House, Colchester Road, Halstead CO9 2HD

- 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 Keith Blacklaws against the decision of Braintree District Council.
- The application Ref 19/00752/FUL dated 26 April 2019 was refused by notice dated 22 July 2019.
- The development proposed is for proposed conversion of garage to dwelling and new driveway access.

Procedural Matter

1. Brook Farm House is a Grade II listed building. Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 defines a listed building and points out that any object of structure fixed to the building and any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948, shall be treated as part of the building.
2. The existing garage at issue is not fixed to Brook Farm House and, while it lies within the curtilage of Brook Farm House, it post dates 1 July 1948. On that overall basis, having regard to Section 1(5), it cannot be treated as part of the listed building. As a consequence, the proposed works do not require listed building consent.

Decision – Appeal A

3. On the basis of my conclusions above, no further action will be taken in relation to this appeal.

Decision – Appeal B

4. The appeal is allowed and planning permission is granted subject to the conditions set out in the schedule below.

Main Issue

5. The main issue for the appeal is the impact of the proposals on the special architectural and historic interest of the Grade II listed building known as Brook Farm House.

Reasons

Impact of the proposals on the special architectural and historic interest of the Grade II listed building known as Brook Farm House

6. The appeal property is a Grade II Listed, timber framed farmhouse dating from the 17th century. The main range comprises two storeys of four bays with an asymmetrical chimney and roof. A single storey outshot range, that is likely contemporary to the main house, adjoins with partially a hipped, catslide roof reaching almost to ground level with a large brick chimney to its northern elevation. Later additions appear to include the Georgian doorway, sash windows and bays. The building is typical of the timber framed vernacular buildings that characterise the local area and is rendered in a pastel pink colour with decorated 'wheatsheaf' motifs to the front elevation.
7. The house was once the main farmhouse range within a larger complex of agricultural and industrial buildings that, along with other farms and houses in the immediate vicinity, formed a separate cluster of settlement dispersed from the main village of Halstead. This separation was seemingly eroded through the post war development of the adjacent engineering works and to continued development extending in the direction of the appeal site from the village centre. The situation now is one where modern housing development has largely subsumed the farmhouse into the urban area of the village. Most notably Brook Farm Close and more recent development opposite has introduced a suburban feel to the immediate setting of the site.
8. The significance of Brook Farm House is therefore contained within its historic, aesthetic and evidential values stemming from the building's age and through its importance as an historic, vernacular farmstead within the vicinity of Halstead. The building is therefore a reminder of a previously rural setting and, along with the other listed buildings nearby, is an important example of local vernacular building tradition.
9. In around 1980 planning approval was given for a free standing garage within the side garden of the listed building and it is this building that forms the focus of this proposal. This structure is two storey in height with half hipped roofs to its side elevations. Although of modern construction, the exterior is rendered in the same pink colour as the main farmhouse range and its roof is of similar pantile covering. The garage stands to the north of the plot with two garage doorways giving direct and open driveway access onto Colchester Road. The building already contains windows to the first floor to secondary elevations but there are no first floor windows facing Colchester Road itself and this gives the building an unsightly appearance where its first floor appears somewhat blank and without articulation.

10. The proposal before me seeks permission to separate this garage from Brook Farm House and to create a separate dwelling house. The proposal would then see two new first floor windows to the front elevation of the garage building and a change to the garage doors to form two further windows. The existing frontage car parking would be relocated and split between the two dwellings. The existing parking for Brook Farm House would be relocated to the south of the Listed Building and located along a newly formed driveway giving access to the rear. Parking for the new dwelling will be located from Brook Farm Close where an opening will be formed in between existing coniferous trees.
11. In considering whether to grant planning permission for any development Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 193 of the National Planning Policy Framework (NPPF) also states that when considering the impact of proposed development on the significance of the heritage asset, 'great weight' should be given to the asset's conservation.
12. I believe it is common ground between the parties that the subdivision of this plot to form an extra dwelling is acceptable subject to the impact upon the Listed Building and local character being acceptable. Moreover, it is also agreed that the existing garage has full planning consent and that there is no intention to remove or to otherwise change this structure should this appeal fail. I consider therefore that the qualities of the existing garage building cannot be debated other than in relation to the modifications before me. Nevertheless, I recognise that the garage building is of an uncomfortable scale and the lack of articulation or fenestration to the first floor of the structure enhances this perception.
13. Notwithstanding this however, I consider that the insertion of new windows to the first floor and the removal of parking to the frontage, including the modification of garage doors to windows, will contribute to an overall improvement to this building and a modest enhancement of the setting of the Listed Building. I also consider that the existing building is clearly of a smaller footprint and differing quality to that of the Listed Building. As such I do not consider that the new dwelling would undermine the existing subservient relationship between the garage and the main house that does, despite the slight height increase of the garage, exist currently.
14. At present there is space for three vehicles to be parked immediately adjacent to Colchester Road, which represents the primary frontage of the site. In assessing this appeal I recognise the potential for improvement to the frontage of the Listed Building through the removal of car parking. I consider that the removal of this parking and replacement with garden and appropriate boundary treatment would offer substantial benefits in terms of improved visual impact of the site from Colchester Road. Similarly, I recognise that the insertion of two new first floor windows into the existing garage building would help improve its existing appearance.
15. I consider that these changes would not only visually benefit the site but would also improve the frontage setting of the Listed Building and as such

harm would be avoided. The impact of these changes would therefore be small but nonetheless beneficial to the Listed Building.

16. The access to the south would similarly be largely disguised by the existing Laurel hedge and the only impact will be the width of the driveway itself which I do not consider would cause significant harm. Any potential harm arising from the loss of garden area to the rear of Brook Farm House could be effectively mitigated through appropriate landscaping conditions.
17. I therefore consider that the significance and setting of Brook Farm House would be unharmed and that through removing parking from the building's primary frontage there would be an overall improvement to the building's setting. The proposal would also allow a better appreciation of the listed building by allowing it to be seen without parking to its frontage. Therefore I consider that Policies RLP3, RLP100 of the Adopted Local Plan and Policy CS9 of the Adopted Core Strategy, that seek to minimise harm to the historic environment, have been met as have the requirements within the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning and Compulsory Purchase Act 2004.

Other Matters

18. Near to Brook Farm House there are other designated heritage assets within the setting of which the appeal site is located. These include the Grade II Listed Brick Hall Farm that is located opposite, and Blue Bridge Cottage which is further along Colchester Road. Both of these buildings helped define the historic cluster of buildings whose focus was traditionally located in this part of Colchester Road. Given the degree of separation between Blue Bridge Cottage and Brook Farm House the works would have a negligible impact upon the setting and significance of Blue Bridge Cottage and, through the removal of car parking to the frontage of Brook Farm House, there will be a slight improvement upon the setting of Brick Hall Farm, opposite.
19. On my site visit I saw a large shed type structure located to the rear garden of the Listed Building. The Council have confirmed that this structure does not benefit from planning permission. As such I have been unable to take into account the presence of this building in my decision as the structure is potentially unauthorised. I have therefore based this decision on the evidence within the application before me.

Conditions

20. I have considered the conditions proposed by the Council in the light of the requirements of the Framework and the Planning Practice Guidance. As well as the standard conditions, other conditions are required. These include details of landscaping to both the front and the rear of the Listed Building in order to mitigate the impact of vehicular access and details to ensure an adequate boundary treatment is reinstated. It also includes details of proposed window openings and windows to the garage in order protect the character and appearance of the Listed Building and the proposed new dwelling.

Conclusion

21. I conclude that the proposal would have a positive effect upon the significance of the listed building and that the appeal be allowed subject to the conditions set out in the schedule below.

A Graham

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The works hereby permitted shall be carried out in accordance with the approved plans; 17.357-AS 1, 17.357-AS 2 and 17.357-AS 3.
3. The works hereby approved shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.
4. A landscaping plan showing details of planting, boundary treatments and garden areas for both the existing Brook Farm House and the proposed new plot of the former garage, shall be submitted and approved by the Local Planning Authority prior to works being commenced. The development shall be implemented in accordance with the approved details and permanently maintained as such.
5. Prior to the commencement of development details of proposed windows and new window openings for the new dwelling shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.
6. The existing access on to Colchester Road shall be suitably and permanently closed incorporating the reinstatement to full height of the footway and kerbing within 28 days of the proposed new access being brought into first beneficial use.