



Appeal Decision

Site visit made on 9 June 2020

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2020

Appeal Ref: APP/Z1510/W/19/3242321

The Mill House, Kings Acre, Coggeshall CO6 1NY

- 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 Mike Bowen, Dunbar Property Services against the decision of Braintree District Council.
 - The application Ref 19/01712/FUL, dated 18 September 2019, was refused by notice dated 19 November 2019.
 - The development is the proposed addition of a first floor above existing document store to provide extra print and storage area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character, setting and significance of adjacent listed buildings and whether the scheme would preserve or enhance the character or appearance of the conservation area; and
 - The effect of the appeal development upon the living conditions of the occupiers of No 20 and No 24 West Street, with particular reference to loss of sunlight and daylight and outlook.

Reasons

Listed buildings and the conservation area

3. The listed buildings relating to this appeal are the Grade II listed The Mill House (known as No 22, John H King and Sons Ltd in its listing), which lies opposite the proposal separated by a car park, and to the south are Grade II listed houses 20 and 24 (Hare Bridge House) West Street (No 20 and No 24).
4. The Mill House is an early 19th century building constructed from gault and red brick, roofed with slate. Directly in front of the building is a large Magnolia tree. Mature trees line its western front boundary. Although this listed building is set back from the street, it remains visible and can be appreciated from both Kings Acre and West Street.
5. Modern houses of 1.5 and 2 storeys high are located near to one side of The Mill House and its car park. Trees and shrubs provide some level of separation

between these houses and the car park. In contrast, there is no screening between the store subject to this appeal and The Mill House.

6. An important aspect of the setting of the Mill House is the perception of spaciousness to the front of the building. This, allied to the presence of the Magnolia tree, allows an appreciation of the front elevation, which is further enhanced and defined by the tree belts.
7. The appeal site contains a single storey store located towards the entrance of The Mill House car park. It is a modern addition that was initially constructed as a double garage. Although the store's footprint would remain unchanged, the additional storey and external staircase proposed would add to its mass and scale and would create a more prominent building.
8. Due to the appeal development's position it would be seen in conjunction with The Mill House, and, notwithstanding the latter's 18m setback, would compete with it in views along Kings Acre. Furthermore, the proposal's additional scale and mass would reduce the perceived spaciousness to the front of The Mill House, thereby adversely affecting the immediate setting of this listed building, and resulting in less than substantial harm.
9. The proposal involves re-modelling the existing store to resemble a 19th century coach house using traditional methods of construction, I find this in itself to be acceptable, notwithstanding the harm already identified. The appellant has indicated that the heritage advice given by the Council changed during the course of the application process. It is however my duty to consider the effect of the proposal on the heritage assets, in line with local and national planning policy.
10. To the south of the appeal development lie the rear gardens of No 20 and No 24, which are both Grade II listed buildings. The importance of these listed buildings is primarily derived from their prominence along West Street and to a lesser extent Kings Acre. No 20 is the most prominent of these two buildings from Kings Acre, as it is situated at the road junction. The proposed addition would be set back from Kings Acre. Mature trees help to define the rear garden boundaries and assist in separating the appeal development from these listed buildings. Therefore, although the proposal would have some effect on the wider setting of these listed buildings when viewed from Kings Acre, this impact would be limited due to the position of the trees by the rear boundaries of No 20 and No 24. It follows that this harm would be less than substantial.
11. Coggeshall Conservation Area (CA) is located on the southern side of Coggeshall and encompasses the main routes through its centre and includes the primary shopping area. The appeal site falls within this designation. The adverse impact on the setting of the listed assets in turn would fail to preserve the character and appearance of the CA.
12. I have found that the proposed development would have an adverse impact upon the setting of The Mill House and Nos 20 and 24 West Street. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard be had to the desirability of preserving the setting of listed buildings. Furthermore, Paragraph 193 of the National Planning Policy Framework (the Framework) states that great weight should be given 'to the asset's conservation (and the more important the asset, the greater the weight should be)'.

13. Paragraph 196 of the Framework makes clear that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal. In this case the public benefit would derive from the improved economic viability of the offices contained within The Mill House, which would help this heritage asset to remain in use and would assist in securing its preservation. People working at The Mill House spend money locally which would boost the local economy. However, the public benefits would in my view be limited and do not outweigh the harm that I have identified to the significance of the identified heritage assets.
14. Accordingly, it would also fail to preserve or enhance the character and appearance of the CA. Consequently, the proposal would fail to comply with Policies RLP90, RLP95 and RLP100 of the Braintree District Local Plan Review (2005) (LPR) and The Framework, which seeks amongst other things that the Council will seek to preserve and enhance the settings of listed buildings and that the Council will preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas.

Living conditions – sunlight and daylight

15. The proposed first floor addition to the store would be situated behind the rear gardens of No 20 and No 24, separated by a path. A brick wall and tall mature trees provide some screening between these gardens and the appeal site. However, due to its height and proximity, the proposed store would be readily visible from these gardens. The main patio area of No 20 is situated directly behind the house and an area of planting and a washing line are located closest to the proposal. The garden of No 24 contains a large patio area and the house is situated closer to the appeal site than No 20.
16. The proposal lies to the north of these gardens and Drawing 99-PS 203 demonstrates there is unlikely to be a substantial effect on daylight to these neighbouring properties and I have been provided with little significant evidence that would lead me to an alternative view. Furthermore, the orientation of the proposed extension combined with its position and screening from the existing trees near the boundary would prevent it from causing an unreasonable loss of sunlight or daylight to the gardens.

Living conditions – outlook

17. The existing trees would partially screen the proposed extension but there are some gaps in this tree belt. During winter months there would also be less tree foliage, which would allow the proposed addition to be more visible. The store is on slightly higher ground than the neighbouring properties and the proposal would extend nearly 5m high to the eaves, raising to about 6.5m at the top of the hipped roof. The store is set back about 4.5m from the garden boundaries and almost 10m from the rear elevation of the closest property at No 24.
18. These neighbours would therefore experience some loss of outlook, particularly No 24 because its house and patio area are closest to the proposal. However, due to the position of the store which is set away from the boundary and located only partially behind each of these neighbouring gardens and the tree belt, these would together avoid the proposal from significantly harming the outlook from these neighbouring properties.

19. Accordingly, I find that the proposal would not significantly harm the living conditions of the occupiers of No 20 and 24. It would therefore accord with Policy RLP90 of the LPR and the Framework, which seek amongst other things that planning permission will only be granted where there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

Conclusion

20. Notwithstanding this, by virtue of my findings on the first main issue, which outweighs my findings on living conditions, and having taken all other matters into account, I conclude that the appeal should be dismissed.

L Gilbert

INSPECTOR