
Appeal Decisions

Site visit made on 3 August 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2020

Appeal A - Appeal Ref: APP/C1570/W/20/3245813

1 Wells Cottages, Robin Hood Road, Elsenham, Essex CM22 6ED

- 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 and Mrs Hampson against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2235/HHF, dated 5 September 2019, was refused by notice dated 5 December 2019.
 - The development proposed is described as 'single storey extension with glazed link to create two additional bedrooms and a bathroom to the rear of the property. Extension to existing bathroom to create a new en-suite to the master bedroom and internal alterations'.
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Appeal B - Appeal Ref: APP/C1570/Y/20/3245814

1 Wells Cottages, Robin Hood Road, Elsenham, Essex CM22 6ED

- 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 and Mrs Hampson against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2236/LB, dated 5 September 2019, was refused by notice dated 5 December 2019.
 - The works proposed are described as 'single storey extension with glazed link to create two additional bedrooms and a bathroom to the rear of the property. Extension to existing bathroom to create a new en-suite to the master bedroom and internal alterations'.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. An application for an award of costs was made by Mr and Mrs Hampson against Uttlesford District Council. This is the subject of a separate Decision.
4. I have considered the two appeals concurrently, but on their own merits, because there are common matters between them. The elevations of the proposal do not show the existing chimney retained. However, the submissions do not refer to the removal of the chimney and the chimney has also been omitted from the existing elevations. Accordingly, I have taken this to be an error on the drawings and have not considered the appeal scheme as proposing the removal of the chimney.

Main Issues

5. The main issues in this appeal are:

- Whether the proposed works and development would preserve the Grade II listed building known as 1 Wells Cottages or any features of special architectural interest that it possesses; and
- The effect of the proposed development on the character and appearance of the area (Appeal A only).

Reasons

Whether the proposal would preserve the Grade II listed building

6. 1 Wells Cottages was listed in 1980 and is a single storey timber framed cottage that is likely to date from either the 18th or 19th Century. It has a steeply pitched hipped and tiled roof that was probably previously thatched. Elements of the timber frame are visible internally, but the external walls are entirely plastered in a way typical of the area and in keeping with the historic buildings either side. The simple pallet of external materials and unassuming fenestration to the front and rear, in the form of casement windows and central doors, afford the building a humble and characterful appearance.
7. Although extended to the rear the diminutive size of the building is particularly important in illustrating its special interest as an example of a modest vernacular cottage, which was probably originally intended to be occupied by an agricultural/rural labourer or such like. Accordingly, the significance of the listed building, in so far as it relates to these appeals, is primarily its evidential and historic value as a small rural home, albeit in what is now a more built up context. The building also has a simple rural charm that fortuitously provides an aesthetic value and an enhancement of local distinctiveness.
8. The proposal would involve a single storey extension to the rear that would incorporate two bedrooms and a bathroom. The footprint, depth and overall massing of the proposal would be comparatively and disproportionately large relative to the existing building. This impact would compound the effect that the existing extensions have already had. As a result, the proposed rear extension would result in the modest cottage being enlarged to a generous three-bedroom home. This would seriously erode the buildings evidential and historic value as a surviving example of a modest vernacular cottage.
9. The rear extension has been designed so that it would appear as a lower and subservient addition reminiscent of an outbuilding. It would also have windows and external finishes that would harmonise with the existing structure. However, these aspects of the proposal would not mitigate for the inherent limitation that the proposal would over-extend the property and therefore harmfully erode the character and interest presently expressed in its modest size. The rear/side ensuite bathroom extension would exacerbate this impact by creating additional massing, particularly at the roof level. As a result, the historic core of the structure would be detrimentally subsumed by accretions.
10. The flat roofed glazed link, which would incorporate bi-fold doors, would enable access to the rear extension with minimal alterations to the listed building. However, it would nevertheless be a fussy and contrived addition that would jar with the building's simple vernacular aesthetic. Furthermore, the existing rear

gable would lose the balanced composition currently present in the fenestration as the door and a window would be blocked in. Overall, the rear elevation of the listed building would have a complicated and somewhat ad hoc composition at odds with the simplicity it currently exhibits.

11. Furthermore, the ensuite extension would be a bulky addition due to its seamless form flush with the existing side elevation of the property. This would be particularly apparent at roof level where there would be a failure to articulate the existing roof hip from the extension. Access to this room would require the removal of at least one timber stud, thereby eroding historic fabric and the legibility of the form of the earlier timber framed part of the building. This element of the proposal would obscure the existing flat roof of the bathroom, but in doing so it would have a greater overall impact on the scale and massing of the cottage. Moreover, the roof lights proposed over the existing bathroom, utility and what would be a study would be further modern insertions that would appear as an incongruous cluttering of the roof scape.
12. In conclusion, the proposal would seriously harm the special interest and significance of the listed building. In so doing it would fail to preserve it, contrary to the expectations of The Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). It would similarly be at odds with the expectations of Paragraphs 193 and 194 of the National Planning Policy Framework (the 'Framework'). The harmful impact on the listed building would also be contrary to Policies ENV2 and H8 of the Uttlesford Local Plan 2005 (LP), which state that proposals involving extensions that affect a listed building should be in keeping with its scale and character and preserve its special characteristics.

The effect on the character and appearance of the area

13. The appeal property is located within a small group of attractive period properties, but Robin Hood Road is otherwise characterised by estate housing mostly from the end of the last century. The estate housing exhibits different styles, forms and scales and this results in a street scene with little overall harmony save for the orientation of properties in a way that addresses the street and positioned in a loose building line.
14. The proposed rear extension would be set in from the boundary of the appeal site and would be recessively located to the rear of the existing property, which would screen much of its massing. This siting, taken together with the use of harmonious materials and detailing, would ensure that it would not stand out as being a strident addition in what is a variable street scene.
15. The ensuite extension would be bulky and adversely erode the hipped form of the roof. However, the property with this extension, and that proposed to the rear, would not appear overly large in the context of the plot or relative to nearby buildings. The use of matching materials would also help to integrate the extension with the house in public views along Robin Hood Road. Therefore, on balance, the ensuite extension would not harm the visual amenity of the street scene either.
16. In conclusion, the proposal would not harm the character and appearance of the area and therefore a conflict with Policies S3 and GEN2 of the LP, in so far as they seek to secure development compatible with the scale and appearance of surrounding buildings and the settlement's character, would not occur.

Other Matters

17. The appeal site is located in close proximity to, and within the setting of, Nos 2, 3 and 4 Wells Cottages, which are also listed buildings. However, the proposal would be on the northern side of the appeal building and thus away from these structures. As such, the evidence before me does not demonstrate there would be any harm to the setting of these listed buildings. I am aware that the Council's Historic Buildings Officer gave positive pre application comments, but I have come to my own views for the reasons given and with reference to the advice from Essex County Council Place Services.

Heritage Planning Balance

18. The harm that would occur to the special interest of the listed building, whilst serious, would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal. However, less than substantial harm should not necessarily be equated with less than substantial planning objection, especially when the statutory test identified above (in Paragraph 12) has not been met.
19. The extension would improve the amount and quality of the accommodation available at the appeal property as it only currently has one bedroom with natural light and ventilation. This is capable of being considered a public benefit. However, the existing cottage functions adequately as a dwelling with one bedroom and at its current size, although it may not meet the needs of the appellants. The fact that there is no evidence before me of long periods of vacancy and the apparently good condition of the structure are testament to this. As such, the proposal is unnecessary to secure the use of the building as a dwelling or to improve substandard accommodation. There would be some minor economic benefits from the construction of the extensions, but these would be short lived and modest in scale. Overall, the proposal would have very limited public benefits.
20. Thus, when giving considerable importance and weight to the special regard I must pay to preserving the listed building¹, I find that the serious overall harm that would arise from the proposal would not be outweighed by its very limited public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to a designated heritage asset would not have clear and convincing justification.

Conclusion

21. The proposal would not harm the character and appearance of the area but for the reasons given it would fail to preserve the listed building. There are no other considerations or public benefits that would outweigh this harm. It would therefore fail to satisfy the requirements of the Act, the Framework and development plan policies insofar as relevant. Accordingly, for the reasons given, the appeals have failed.

Graham Chamberlain
INSPECTOR

¹ See Sections 16(2) and 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990