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## Appeal Decisions

Site visit made on 1 June 2020

**by Graham Chamberlain BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1<sup>st</sup> September 2020**

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### **Appeal A - Appeal Ref: APP/Z1510/W/20/3244327 36 High Street, Halstead, Essex CO9 2AQ**

- 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 Paul Bartholomew of Bilaman Limited against the decision of Braintree District Council.
  - The application Ref 19/01634/FUL, dated 5 September 2019, was refused by notice dated 7 November 2019.
  - The development proposed is described as 'second storey rear extension, internal alterations and change of use from A2 to B1'.
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### **Appeal B - Appeal Ref: APP/Z1510/Y/19/3243647 36 High Street, Halstead, Essex CO9 2AQ**

- 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 Paul Bartholomew of Bilaman Limited against the decision of Braintree District Council.
  - The application Ref 19/01635/LBC, dated 5 September 2019, was refused by notice dated 7 November 2019.
  - The works proposed are described as 'second storey rear extension, internal alterations and change of use from A2 to B1'.
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## **Decisions**

1. Appeal A - The appeal is dismissed.
2. Appeal B - The appeal is dismissed.

## **Preliminary Matters**

3. I have considered the two appeals concurrently, but on their own merits, because there are common matters between them. I have taken the description of the proposal and the appellant's details from the appeal forms as they are more comprehensive.
4. The evidence before me does not demonstrate the Council's emerging Section 2 Draft Local Plan is at an advanced stage of preparation and consequently there is potential for further amendments following consultation and examination. As such, the emerging policies referred to by the Council in its reason for refusal carry limited weight and have not been determinative in my assessment of the proposal.

## Main Issues

5. The main issues are:

- Whether the proposed works and development would preserve the Grade II listed building known as 36 High Street or any features of special architectural interest that it possesses; and
- Whether the proposal would preserve or enhance the character or appearance of the Halstead Conservation Area (CA).

## Reasons

*Whether the proposal would preserve the Grade II listed building*

6. 36 High Street was listed in 1978 and is a timber framed structure that probably dates from the 17<sup>th</sup> Century with later 18<sup>th</sup> and 19<sup>th</sup> Century alterations. The brick façade to the front of the building likely dates from around 1880 and is an imposing alteration that combines polychromatic brickwork of differing colours. The imposing central portico and panelled front are focal features that create a grand entrance to the building when viewed from the High Street. The front elevation is of considerable architectural significance as a fine example of high Victorian architectural revivalism.
7. The main range of the building runs parallel to the road, is the oldest part of the structure and is formed from three bays. The roof of this historic range is set behind a parapet at the front, but it is more prominent to the rear where the eaves are lower. In contrast to the front facade, the rear elevation of the historic range is simple in form and detailing. There is a tall narrow gable to the right-hand side of the rear elevation, and this is likely to form part of the early timber framed structure. The second lower gabled off-shot was probably reconstructed in the 20<sup>th</sup> Century, as evidenced by the internal use of softwood roof timbers and fletton bricks. However, it has an historic form and proportions that complements the historic range.
8. A simple late 20<sup>th</sup> Century extension encompassing offices and two bank vaults has been added to the rear of the historic range at ground floor level. It is part pitched and part flat roofed. The brick work is modern in appearance due to the type of red brick used, the stretcher bond and the grey concrete mortar. Furthermore, the wide gable spans clash with the proportions of the gables at the rear of the historic main range. Thus, although in some respects a recessive addition due to its lower height, the rear range otherwise jars with the detailing and form of the earlier part of the building.
9. Internally, the building has been much altered to accommodate the bank. The modern open plan office in the rear extension is continued through into the ground floor of the original building with little to articulate old and new. Many historic fixtures and fittings have been removed, but there are some survivals such as localised panelling, the 18<sup>th</sup> Century staircase between the ground and first floors, lit by a Victorian 6/3 window, and the room layout, which articulates the three-bay plan. This facilitates an understanding of how the building has evolved and its appearance and layout prior to being a bank.
10. Given the above, the significance/special interest of the listed building, in so far as it relates to these appeals, is primarily associated with those elements of the scale and form of the original building still evident, mainly from the rear, and

the 18<sup>th</sup> and 19<sup>th</sup> Century changes apparent in aspects of the internal plan and the occasional internal detail. The late 19<sup>th</sup> Century changes are a particularly significant historic layer principally evident in the front façade.

11. The proposal would encompass a new first floor over part of the existing rear range. In this respect it would leave the front façade unaffected. Nevertheless, the proposal would be a visually complicated structure that would include differing roof pitches and forms that would fail to harmonise with the historic range, particularly the simplicity of the original rear elevation. The large rendered mono pitch element, which would have a wide span and shallow roof pitch would have a particularly bulky and imposing appearance.
12. The size and placement of window openings would not respect the proportions, hierarchy or placement of those on the historic range and the use of larch cladding would further set the extension apart from the rest of the building. The stair tower extension to the second floor would be a jarring flat roofed addition finished in metal cladding. This would discordantly stand out against the plain tiled roof of the historic range. Although lower than the historic part of the building, and no deeper than the existing rear range, the extension would nevertheless be a jarring and bulky addition that would visually dominate the scale and form of the listed building when viewed from the rear.
13. The proposed extension has been designed to deliberately contrast with the historic part of the listed building. The use of modern forms would also enable the additional floor to be added whilst retaining a low profile. In some respects, this could be an appropriate approach to articulating old and new. However, in this instance, the bold modern design, combined with the size of the proposal and an almost complete lack of any harmony with any aspect of the historic range, would result in an overpowering addition. Accordingly, the proposed additions would significantly harm the special interest and significance of the listed building.
14. The jarring nature of the existing rear range presents an opportunity for future adaptations to be an aesthetic improvement. Historic mapping in the appellant's Heritage Statement (HS) also indicates that the building historically had a rear range, albeit in a different location to that proposed. However, the appeal scheme would be larger than the existing rear range and would appear notably more discordant against the historic part of the building for the reasons already given. Accordingly, the proposal would not improve or better reveal the significance of the listed building.
15. The Council has suggested that there is a lack of analysis regarding the internal alterations proposed in the historic range. However, I do not entirely share this view as some are comprehensively discussed in the HS. At first floor level the wall between Office 2 and the Female toilets would be removed, thereby eroding the three-bay layout of the historic range and the proposed stairs would block the 6/3 Victorian window that lights the 18<sup>th</sup> Century staircase. At attic level an open plan office would be created by removing historic fabric, including a panelled cupboard, partition walls and what appears to be a raised Victorian floor in the boiler room. The narrow 20<sup>th</sup> Century staircase would also be removed, but it is unclear whether it evidences the historic point of access to the attic. These alterations would result in a harmful loss of fabric that is of evidential value in detailing historic layering. This would erode the significance of the listed building to a moderate extent.

16. In conclusion, the proposal would seriously harm the special interest and significance of the listed building. In so doing it would fail to preserve the listed building, 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 Policy RLP 100 of the Braintree District Local Plan 2005 (LP), which only permits works to listed buildings if they would not harm its special architectural and historic importance.

*Whether the proposed development would preserve or enhance the character or appearance of the Halstead Conservation Area (CA)*

17. I have not been referred to a conservation area appraisal detailing the significance of the CA. However, I nevertheless observed that the CA is focussed on the High Street, which is an historic thoroughfare flanked by a rich mix of period buildings. Some, like the appeal property, are ornately detailed and collectively create an attractive street scene. The area to the rear of the properties that face the High Street is more functional, historically being private gardens or secondary spaces away from the public domain. They currently encompass car parks and various rear ranges and outbuildings of differing quality. The rear range to the east of the appeal site, which houses the Conservative Club, stands out as a simple, pleasingly proportioned and attractive red brick range. Therefore, in so far as is relevant to the proposal, the CA derives some of its significance from the hierarchy of spaces as well as the quality of the period architecture.
18. As demonstrated by the appellant's visualisations, the proposal would be visible from Chapel Street over the single storey red brick garages to the west of the appeal site. Unlike the existing single storey red brick addition, which has a simple, recessive and unassuming presence typical of buildings to the rear of the High Street, the proposed extension would appear bold and stark in a way that would jar with the hierarchy of spaces and buildings. It would stand out due to its complicated form and bulky appearance. The cream rendered finish would ensure the extension stood out against the backdrop of the attractive red brick range to the east.
19. The proposal would not be visible from the High Street and it would be lower than the rear range to the east and the main part of the listed building. These factors would diminish but not extinguish the extent of harm to the CA. Overall, I conclude that there would be moderate harm to the significance of the CA. Accordingly, the proposal would fail to preserve or enhance the character or appearance of the CA contrary to the expectations of the Act and Paragraphs 193 and 194 of the Framework. The proposal would also be contrary to Policy CS9 of the Braintree District Local Development Framework Core Strategy 2011 and Policies RLP90 and RLP95 of the LP, which seek to protect the historic environment by preserving or enhancing the character or appearance of a CA.

### **Heritage Planning Balance**

20. The harm that would occur to the special interest of the listed building and the character and appearance of the CA 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 where the dual statutory tests have not been met.

21. That said, the listed building is empty with dated and tired internal fixtures and fittings and the narrow staircase to the second floor provides difficult access. However, a simple refurbishment would improve this situation and the difficult access to the upper floor is unsurprising being an historic attic level. Nevertheless, the proposal could assist in bringing the building back into use and this may rightly be considered a public benefit in accordance with the heritage balance anticipated in the Framework.
22. In addition, a few of the internal alterations would modestly enhance the historic range at ground floor level by returning doorway openings and removing some of the modern paraphernalia associated with the bank, such as window bars, and making good the alterations required to facilitate the ATM. Moreover, there would be economic benefits from the conversion and subsequent occupation of the building. The office would be reasonably large and thus house several jobs in a town centre location with the benefits to vitality this would accrue. These benefits chime with the aims set out in Paragraph 3.3 of the CS.
23. However, there is little evidence before me, such as the opinion of a letting agent or prospective tenants, to demonstrate the proposal, in its current form, is essential to bring the building back into a viable commercial use. As such, the extent of harm that would flow from the proposal may be unnecessary. Moreover, the submissions suggest the building was in a commercial use until recently and there is nothing to indicate it ceased because of the condition of the building. It is also unclear what steps have been taken to find an occupier and whether these have proven fruitless, and if so why. These factors diminish to a moderate level the weight I give the public benefits of the proposal.
24. Thus, when giving considerable importance and weight to the special regard I must pay to preserving the listed building<sup>1</sup> and the special attention I must pay to the desirability of preserving or enhancing the character or appearance of the CA<sup>2</sup>, I find that the serious harm that would arise from the proposal would not be outweighed by its moderate public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to designated heritage assets would not have clear and convincing justification.

## **Conclusion**

25. Given the above, I conclude that the proposal would fail to preserve the special interest of the Grade II listed building and would not preserve or enhance the character or appearance of the CA. 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

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

<sup>2</sup> See Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990