
Appeal Decisions

Site visit made on 11 August 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28TH September 2020

Appeal A: APP/C1570/W/20/3247298

Admiralty House, Pound Lane, Ugley CM22 6HP

- 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 & Mrs Morrell against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2511/HHF, dated 4 October 2019, was refused by notice dated 2 December 2019.
 - The development proposed is single storey side extension and roof lights to rear.
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Appeal B: APP/C1570/Y/20/3247300

Admiralty House, Pound Lane, Ugley CM22 6HP

- 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 & Mrs Morrell against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2512/LB, dated 4 October 2019, was refused by notice dated 2 December 2019.
 - The works proposed are single storey side extension and roof lights to rear.
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Appeal C: APP/C1570/W/20/3247304

Admiralty House, Pound Lane, Ugley CM22 6HP

- 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 & Mrs Morrell against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2513/HHF, dated 4 October 2019, was refused by notice dated 2 December 2019.
 - The development proposed is single storey side extension and side dormer.
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Appeal D: APP/C1570/Y/20/3247305

Admiralty House, Pound Lane, Ugley CM22 6HP

- 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 & Mrs Morrell against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2514/LB, dated 4 October 2019, was refused by notice dated 2 December 2019.
 - The works proposed are single storey side extension and side dormer.
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Decision

1. Appeals A, B, C and D are dismissed.

Procedural Matters

2. The Procedural Guide Planning Appeals – England states that *only the person who made the planning application can make an appeal*. In this case, the appeal was lodged by Mr J Morrell. The applicants subsequently provided clarification in writing that they are the same person. Nevertheless, as the appeal cannot technically be transferred to another person, it must continue in the original name of the applicants. I have therefore considered the appeal on this basis.
3. As set out above there are four appeals on this site, concerning two schemes under different, complementary legislation. The schemes differ only in the detail of the design and location of the proposed extensions, a dormer window and several rooflights. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together.
4. The appeal scheme referred to in Appeals C and D (herein referred to as 'Appeal Scheme 2') includes a dormer window. I note that the Council did not previously have any objections to a similar proposal for a dormer window¹ and did not originally consider that the proposed dormer should be refused in their Officer Report. However, the Council has introduced additional concerns in respect of this aspect of Appeal Scheme 2 during the appeal process and the appellant has had an opportunity to consider the relevance of this matter to that appeal scheme. Nevertheless, as part of my statutory duties (see below), I have considered the entirety of the proposal, as determined by the Council, afresh in light of the evidence before me.

Main Issue

5. The main issue in all of the appeals is whether the proposals would preserve a Grade II listed building, known as 'Orford House Cottage and Garage Block 15 Metres to East of Orford House'², and any of the features of special architectural or historic interest that it possesses.

Reasons

Significance

6. The listed building is a former coach house with service cottage, of mid-18th Century origin, and originally served Orford House to the west. The building is one storey with rooms in the attic primarily served by lapped roof dormer windows, with leaded light casements. The walls are constructed of red brick laid in flemish bond, the roof is hipped and clad with clay peg tiles and the openings are of contemporary doors and sash and casement windows with glazing bars. To the centre of the roof is an intricate lead and timber clock turret surmounted by an octagonal open cupola and weathervane finial. The building was formerly arranged on an L-shape plan with symmetrical crosswings but has been extended, relatively recently, with a sunroom³. Furthermore, at the time of my site visit, I observed that the butt purlins and rafters in the first floor had been exposed in the bedroom to the southern cross wing.

¹ Planning References: UTT/13/0493/HHF and UTT/13/0498/LB.

² The building is now known as Admiralty House.

³ Planning Reference: UTT/1804/08.

7. The plan form of buildings can contribute to the significance of listed buildings, as it helps to demonstrate how buildings have been used, including any changes in the size or occupation of the rooms within the building to reflect the needs of society at that time. Despite modern alterations to the listed building, much of the historic floor plan form of the main part of the building appears to remain intact.
8. Although there have been a number of modern alterations to the property, I find the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with its architectural and historic interest, as a converted coach house and service cottage formerly associated with a Grade II* listed 18th Century country house, Orford House. In particular, the floor plan layout and built fabric of the building, including the position of external walls.

Effect of the proposals on the significance of the listed building

Appeal Scheme 1

9. The appeal scheme referred to in Appeals A and B (herein referred to as 'Appeal Scheme 1') would comprise of a single-storey side extension to the south side elevation of the southern cross wing, incorporating an en suite and a storage room; and several slimline framed and flush fitting rooflights. One of the rooflights would be situated above the proposed extension to light the existing staircase and the other rooflights would be installed in the roof of the sunroom. The extension would be positioned below the existing eaves and the roof clad in natural slate.
10. The proposed extension would be small in scale, set back marginally of the western façade of the southern cross wing and use a carefully selected palette of materials, including natural slate as a contrast to the existing roof. However, the proposed extension would introduce new built form beyond the cross wing, which would be largely obscured as a result. The proposed openings in the existing external south wall of the cross wing would also disturb the historic floor plan of the listed building, particularly in respect of the proportions of the existing bedroom and the lack of openings in that façade. The proposed extension would therefore be harmful to the understanding and legibility of the listed building, and thereby its significance.
11. I have had regard to the presence of the sunroom extension to the rear façade of the building, but it differs from the proposed extension, as there is a clearer distinction from the rear façade and eaves of the listed building provided by the separation between the sunroom and the building. I am also mindful that the Framework does not introduce a presumption against extensions to listed buildings. The appellant has also suggested that the proposed extension would be obscured from public views by a tall garden wall. However, the property is listed for its intrinsic architectural and historic interest and the visibility of the proposal is not a determining factor in considering whether it would preserve the special architectural or historic interest of the building. Similarly, I have had regard to Historic England's 'Making Changes to Heritage Assets'⁴, particularly in respect of the preference for new work to be reversible.

⁴ Historic England Advice Note 2 (Feb 2016).

Nevertheless, these matters do not alter my findings in respect of the harm that I have identified in relation to the proposed extension.

12. There are currently no rooflights within the roof slopes of the listed building. While the sunroom is a modern addition to the building with predominantly glazed façades, it incorporates a solid pyramid roof. Along with the jointing to the listed building referred to above, the simple roof form of sunroom also ensures that it integrates with the building. However, the introduction of the proposed rooflights would weaken this relationship and result in an overtly domestic appearance that would unsympathetically contrast with the former use of the listed building as a coach house and service cottage. For reasons similar to the proposed dormer window, the rooflight proposed in the southern cross wing would also be likely to result in the loss of built fabric within the roof of the building. The proposed rooflights would therefore exacerbate the harm that would be caused and compound the cumulative harm to the significance of the listed building.

Appeal Scheme 2

13. The proposals within Appeal Scheme 2 would comprise of a single-storey extension to the north side of the northern cross wing, as an enlargement of the existing utility/laundry room; and a gabled dormer window within the south roof slope of the southern cross wing, which would serve a first-floor bedroom. The external north wall and roof slope of the extension would be flush with those of the existing utility/laundry room.
14. The proposed extension would be small in scale, set back marginally of the western façade of the northern cross wing and use a carefully selected palette of materials. However, the proposed extension would increase the built form beyond the cross wing, which would be largely obscured as a result. The opening in the existing external wall of the cross wing would also disturb the historic floor plan of the listed building, particularly in respect of the proportions of the existing utility/laundry room. The proposed extension would therefore be harmful to the understanding and legibility of the listed building, and thereby its significance.
15. I have had regard to the presence of the sunroom extension to the rear façade of the building, but it differs from the proposed extension, as there is a clearer distinction from the rear façade and eaves of the listed building provided by the separation between the sunroom and the building. I am also mindful that the Framework does not introduce a presumption against extensions to listed buildings and the layout of the proposed extension would be markedly different from the previous iteration in 2013. Similarly, I have had regard to Historic England's 'Making Changes to Heritage Assets', particularly in respect of the preference for new work to be reversible. Nevertheless, these matters do not alter my findings in respect of the harm that I have identified in relation to the proposed extension.
16. I appreciate that dormer windows are a feature of the listed building and the proposed dormer window would reflect the scale, appearance and materials of construction of the dormer windows found on the southern cross wing. However, the addition of the proposed dormer window would add to the current proliferation of dormer windows and exacerbate their effect upon the domestication of the listed building. Furthermore, I note that the existing

dormer window to the opposite side of the first-floor bedroom appears to have required the removal of several rafters and the purlin is retained across the window opening. In light of this, and the prominence of the exposed rafters and purlins in bedroom, it is likely that the proposed dormer window would necessitate the removal of further historic fabric within the roof of the building. The proposed dormer window would therefore be harmful to the legibility of the original function of the listed building and would be likely to result in the loss of built fabric which would be detrimental to the understanding of the listed building, and thereby its significance.

Public benefits and conclusions

17. The statutory duties in Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) are matters of considerable importance and weight. Paragraph 192 of National Planning Policy Framework 2019 (the Framework) states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Furthermore, paragraph 193 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have a clear and convincing justification.
18. The proposals would be harmful to the special historic interest of the Grade II listed building and would have a negative effect on its significance as a designated heritage asset. In my view the harm that I have identified, including the potential harm to historic built fabric, would equate to less than substantial harm to the significance of the designated heritage asset, but nevertheless of considerable importance and weight. In such circumstances, paragraph 196 of the Framework identifies that this harm should be weighed against the public benefits of proposals, which includes the securing of optimal viable use of listed buildings.
19. The proposed extensions would improve the internal living environment of the house, which would better meet the needs of the appellants and their family would be a private benefit. However, the potential reduction to public service delivery of care for current or future occupiers of the house through the provision of a bedroom at ground floor with an en suite, within a family environment, would be a public benefit in social and economic terms.
20. There would be improvements in terms of energy efficiency due to the additional light that could enter the stairwell, first-floor bedroom and sunroom. These would be largely private benefits restricted to the appellants, although there would be a small environmental benefit to the public in terms of the minimisation of energy consumption.
21. Similarly, the building work associated with the proposals would amount to public benefits in economic terms, albeit in the short term.
22. The aforementioned public benefits are balanced by the loss of built fabric and the disturbance to the historic floor plan of the listed building that would occur. Furthermore, there is no substantive evidence before me to suggest that the

proposals are required to make the building habitable or sustain the heritage asset. The continued viable use of the appeal property as a residential dwelling is therefore not dependent on the proposals, as the building has an ongoing residential use that would not cease in their absence.

23. Taking the above together, the public benefits I have outlined above would not justify allowing works and development that would fail to preserve the special interest of the listed building. Therefore, in accordance with paragraphs 193 and 196 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.
24. In light of all of the above, I conclude that, on balance, the proposals would fail to preserve the special historic interest of the Grade II listed building. Hence, the proposals would fail to satisfy the requirements of the Act, paragraphs 192, 193 and 194 of the Framework and conflict with Policy ENV2 of the Uttlesford Local Plan (Adopted January 2005), which requires that development affecting a listed building should be in keeping with its scale, character and surroundings.

Other Matters

25. The appeal site is adjacent to Orford House, which is designated as a Grade II* listed building, I have therefore had regard to the statutory duty referred to in the Act. However, given the scale of the proposals and their physical relationship with this designated asset, its setting would be preserved and the proposal would not detract from it. For similar reasons, the proposals would not have a harmful effect on the character of the countryside or wider area. I also note that the Council did not raise any concerns with respect to the living conditions of neighbouring occupiers. Given the location of the proposed dormer window and rooflights, there is no substantive evidence before me that would lead me to a different conclusion.
26. Nevertheless, none of the other matters raised alter or outweigh my conclusion on the main issue.

Conclusion

27. For the reasons given above, I conclude that the appeals should be dismissed.

Paul Thompson

INSPECTOR