



Appeal Decisions

Site visit made on 1 October 2020

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal A Ref: APP/Z1510/W/20/3252803

Cut Hedge Cottage, Braintree Road, Shalford CM7 4QY

- 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 & Ms J & S Tolliday & Philpott against the decision of Braintree District Council.
 - The application Ref 20/00304/HH, dated 10 February 2020, was refused by notice dated 14 April 2020.
 - The development proposed is erection of two storey side extension.
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Appeal B Ref: APP/Z1510/Y/20/3252810

Cut Hedge Cottage, Braintree Road, Shalford CM7 4QY

- 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 & Ms J & S Tolliday & Philpott against the decision of Braintree District Council.
 - The application Ref 20/00305/LBC, dated 10 February 2020, was refused by notice dated 14 April 2020.
 - The works proposed are the same as Appeal A.
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Decision Appeal A

1. The appeal is allowed and planning permission is granted for the erection of two storey side extension at Cut Hedge Cottage, Braintree Road, Shalford CM7 4QY in accordance with the terms of the application Ref 20/00304/HH dated 10 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 13932-P001-1st, 13932-P002-1st, 13932-S001-1st.

Decision Appeal B

2. The appeal is allowed and listed building consent is granted for the erection of two storey side extension at Cut Hedge Cottage, Braintree Road, Shalford CM7 4QY in accordance with the terms of the application Ref 20/00305/LBC dated 10 February 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
 - 2) The works shall not begin 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 works shall be implemented in accordance with the approved details and retained as such.

- 3) The works shall not begin until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. The new windows shall be in painted timber, single glazed, flush meeting within the frames with matching joinery for opening and fixed casements and without trickle vents. The works shall be implemented in accordance with the approved details and retained as such.
- 4) Only tile and half-tile and plain tile undercloaking shall be used on the verges of the roofs the subject of the works hereby authorised and thereafter so maintained.
- 5) All rainwater goods shall be black and retained as such.

Main Issues

3. The main issue for both appeals is whether the proposal would preserve the special interest of the Grade II listed building known as Cut Hedge Cottage.
4. The main issue for Appeal A only is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Listed building

5. Cut Hedge Cottage is a Grade II listed building dating from the late 17th century with later additions and alterations. The cottage is timber framed and plastered, with a thatched roof containing two dormers at the front. To the side is a single storey lean-to extension. Beyond that, a new single storey L-shaped extension has been constructed.
6. The cottage occupies a prominent position on a bend in the main road, even if it is only seen in glimpses due to vegetation. It presents a wide front elevation at the junction with Water Lane. The use of traditional and historic materials, along with the attractive thatched cottage appearance and its prominent siting, contributes greatly to the special interest and significance of the listed building.
7. The proposal would add another floor above the new single storey extension but this floor would be rectangular rather than the L-shaped. While the front building line of the proposed extension would be the same as the historic cottage it would only be slightly further forward than the new extension.
8. The extension would not be as tall as the historic cottage and the bulk of it would be perpendicular to the cottage. The front elevation has already been elongated by the new extension. The first floor element would be narrow and there would be a sizable gap between it and the thatched roof. Its simple pitched roof design and materials would be in keeping with the historic cottage. As a consequence, when viewed from the front, the proposed extension would not overly dominate or unbalance the listed building. The same can be said for any views at the rear.

9. Viewed from the south, the proposal would obscure much of the historic cottage. However, the new single storey extension already does this to a large extent, while from the road there is only a brief glimpse of the south elevation due to vegetation. Although the footprint of the overall extension would be similar to the historic cottage, it would be subordinate due to its position, scale, bulk and appearance. Moreover, the plan form of the historic cottage would not be altered. Thus, there would be no harm to the significance of the listed building.
10. To conclude, the proposal would preserve the special interest of the listed building. Therefore, it would accord with Policy RLP100 of the Braintree Local Plan Review 2005 (LPR) and Policy CS9 of the Braintree Core Strategy 2011 (CS) which, amongst other things, seek to conserve the historic environment and avoid harm to the character and importance of listed buildings. The draft Braintree Local Plan (DLP) has yet to pass through examination, which limits the weight that can be given to it. Nevertheless, the proposal would accord with DLP Policy LPP60 which seeks to avoid harm to the significance of heritage assets. Finally, the proposal would comply with the National Planning Policy Framework which seeks to sustain the significance of heritage assets and avoid or minimise harm.

Character and appearance

11. The existing cottage is the only property in the immediate surrounding area. As noted above, it occupies a prominent position on the main road and junction with Water Lane. Due to its historic character and appearance and its siting, the cottage makes a positive contribution to the character and appearance of the area.
12. The main difference between the new and proposed extensions would be the additional height of the first floor element. However, this element would be narrow on the front elevation, with a ridge height lower than the historic cottage and a sizeable gap between it and the thatched roof. Thus, the extension would not be overly dominant or in competition with the historic cottage. The latter would retain its visual prominence in the street scene and the former would be sufficiently subordinate.
13. The proposal in terms of Appeal A would have an acceptable effect on the character and appearance of the area. Thus, it would accord with LPR Policies RLP18 and RLP90 and CS Policy CS9. These policies seek a high standard of design that respects and responds to local context, with extensions to dwellings in the countryside required to be subordinate and compatible with the scale and character of the existing dwelling. Notwithstanding the limited weight that can be afforded to the DLP, the proposal would accord with Policies SP1, SP6, LPP1, LPP38, LPP50 and LPP55 which seek to protect the environment and countryside with development that responds positively to local character and context, and extensions that are subordinate to the original dwelling.

Conditions

14. In addition to the standard time limit conditions, I have specified the approved plans in Appeal A for clarity and compliance. Conditions on Appeal B specifying and requiring the approval of external details are necessary to ensure the extension has an acceptable impact on the listed building and surrounding area.

Conclusions

15. For the above reasons, and having had regard to all other matters raised, I conclude that both appeals should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR