
Appeal Decision

Site visit made on 22 September 2020

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2020

Appeal Ref: APP/C1570/D/20/3253461

Crown House, 191 Silver Street, Stansted CM24 8HB

- 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 Christopher Pearce against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0034/HHF, dated 9 January 2020, was refused by notice dated 5 March 2020.
 - The development proposed is 3 bay detached cart lodge.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There was some inconsistency in the appeal documents as to the name of the appellant, however, following clarification from the appellant's agent, I am satisfied that the appellant is as named in the banner heading above, and the appeal has been properly made.

Main Issues

3. The main issues are (i) whether the proposed development would preserve or enhance the significance of Crown House, a grade II listed building; and (ii) whether the proposed development would preserve or enhance the character or appearance of the Stansted Mountfitchet Conservation Area (CA).

Reasons

Listed Building

4. Crown House Nos. 191 and 193 Silver Street is a grade II listed building. It is a large two storey with attic, timber framed, tiled and weather-boarded property, now two dwellings, of 18th Century origins. As well as its age its significance lies with its physical fabric and architectural features.
5. I am required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. I am also required under section 72(1) of the Act to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

6. The spaciousness once enjoyed from the north and east elevations of Crown House, has been partially reduced by more recent development of a dwelling to the east of the proposed siting of the cart lodge. However, there is still a sense of openness to the north and east of the listed building provided by its remaining sizeable and irregular shaped plot. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced and confirms that its setting may contribute to the significance of a heritage asset.
7. The appeal building would be sited forward of the principal northern elevation of Crown House, with two bays facing the dwelling and the third behind facing west. The proposal would preserve adequate amenity space and there would be enough space remaining within the site to safely manoeuvre and park other vehicles if necessary. However, the proposed building by virtue of its positioning, scale and bulk would be a prominent feature that would further reduce the spaciousness of the listed building's setting. In addition, because of its proposed size and positioning, it would detrimentally interrupt the view of the heritage asset seen when approaching along the driveway from Mill Road.
8. Although the proposed building would be largely screened by boundary fencing, trees and hedgerow alongside Silver Road, it would still be partly visible, as is the single storey dwelling to the east of the site, when travelling northwards past Crown House along this road. As the ground level of the appeal site is lower than that of the road, the full extent of the proposed cart lodge would not be evident in the street scene. Nevertheless, the scale and form of the roof structure and its prominent turret feature would be an obvious encroachment of the space currently afforded to the listed building.
9. Having regard to all of the above, the proposal would not preserve the setting of the listed building and would thereby diminish its significance. Whilst this would not represent substantial harm, it would nonetheless constitute less than substantial harm to the listed building's significance. This would be contrary to Policy ENV2 and GEN2 of the Uttlesford Local Plan 2005 (LP) and section 16 of the Framework. Together these policies seek, amongst other matters, to ensure developments are compatible with the form and layout of surrounding buildings and to conserve and enhance historic buildings and their settings.

Conservation Area

10. The Council states in its officer report that the appeal site is situated just outside of the CA. However, the Council later in its considerations refers to the site being within the CA. Nevertheless, the map of the CA confirms that the site is close to but outside of the CA.
11. The CA boundary runs alongside part of the eastern boundary of the site and alongside the rear garden boundaries of the terraced cottages on Mill Side. The ground level of the cottages is higher than that of the appeal site. The separation of the appeal site from the CA, in terms of both topography and the intervening dwelling to the east of the proposed siting of the appeal building, would ensure that the proposal would not be read in conjunction with the cottages. The proposal would not, therefore, harm the setting of the CA or adversely impact on its character or appearance.
12. I conclude that the appeal proposal would preserve the character and appearance of the CA. Thus, it would not conflict with Policy GEN2 of the LP or

Sections 12 and 16 of the Framework in this respect. I find no conflict with LP Policy ENV1 as this policy is concerned with development situated within conservation areas.

Other Matter

13. The appellant has referred to there being extant planning permission at the appeal site for the erection of a detached two bay cart lodge. He considers that the appeal proposal would add to the rear of the approved building and would not cause harm as it would not be seen from the setting of the listed building. I have not been provided with any other specific details of that permission to enable me to compare properly with the scheme before me. Nonetheless, it is likely that a two bay cart lodge would be smaller in scale than a three bay one and would therefore have a lesser impact on the setting of the listed building. I have necessarily determined the appeal on its own merits.

Planning Balance

14. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, as in this case, this harm should be weighed against the public benefits of the proposal. However, no public benefits have been identified that would outweigh the harm I have found. This is a matter to which I give considerable importance and weight.

Conclusion

15. For the reasons given above the appeal is dismissed.

S Tudhope
Inspector