

Appeal Decision

Site visit made on 27 October 2020

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2020

Appeal Ref: APP/W1525/D/20/3249713

Saffrons, High Street, Stock, Ingatestone CM4 9BD

- 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 Mrs J Pullum against the decision of Chelmsford City Council.
 - The application Ref 19/01913/FUL, dated 15 November 2019, was refused by notice dated 13 February 2020.
 - The development proposed is demolition of Attached Garage and Single Storey Rear Extensions. Erection of Two Storey Rear Extensions including Conversion of Extended Roof Void, incorporating One Rear Dormer. Internal Reorganisation of Dwelling and Stylistic Changes to External Appearance including Alteration of Fenestration and Chimneys. Basement Swimming Pool and Lower Ground Courtyard.
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Preliminary Matters

1. The appellant indicates that the original description of development has changed. Therefore, the above description reflects the amended description shown on the appeal form. The appellant further states that the Council did not amend the description following the submission of revised plans. However, while the original description of the development appears on the decision notice, it is clear from the officer's report that the Council did take account of the revised plans in reaching its decision. Therefore, I have done the same with regard to this appeal.
 2. I acknowledge the appellant's clarification that only a small part of the site to the rear of the back garden lies within the Green Belt, although this does not have a direct bearing on the determination of the appeal given the main issue identified in this case.
 3. The appellant also refers to a minor error shown on the drawing of the proposed west side elevation of the appeal property (drawing 18.5309/P204). This shows an overly deep projection on the side of the rear dormer. While reference is made to a corrected drawing, I am not aware that this forms part of the appeal submissions. However, given the minor nature of the error it does not have a direct bearing on the determination of the appeal.
 4. The Council refers on its decision notice to Policy HE1 of the Emerging Local Plan, concerning the effect of development on heritage assets. However, since then the Local Plan has been adopted, on 27 May 2020. The Council indicates that the numbering of some policies has changed from the submission to
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adopted versions of the plan; consequently, former Policy HE1 is now Policy DM13. I am unaware that the wording of the policy has changed and, therefore, as this represents the most up-to-date policy and it was relied upon by the Council in reaching its decision, I have taken it into account for the purposes of determining this appeal.

5. An application for costs was made by Mrs J Pullum against Chelmsford City Council. This application is the subject of a separate decision.

Decision

6. The appeal is dismissed.

Main Issue

7. The main issue is whether the proposal would preserve or enhance the character or appearance of the Stock Conservation Area and, related to this, the effect on the setting of nearby listed buildings.

Reasons

8. The Stock Conservation Area is a linear area in the village centre, focused on the High Street and comprises predominantly historic buildings, a number of which are listed, in residential and commercial uses. The appeal property is a two storey detached dwelling located to the north-east end of the conservation area with a frontage on the High Street.
9. This part of the conservation area, close to the village war memorial, includes predominantly eighteenth and nineteenth century buildings, mainly in residential use, although The Hoop public house is directly opposite the appeal site on the other side of the High Street. The Hoop and adjacent buildings have Grade II listed status and form a group that shares a range of common features with the majority of buildings in this part of the conservation area. This includes tiled roofs, mainly brick exteriors and traditional, unadorned fenestration with either double-hung sashes or casements with glazing bars. While there is some variation, for example The Hoop has a timber clad rather than brick exterior, these features overall provide a good degree of visual uniformity within this distinct part of the conservation area.
10. These features are also seen on other buildings on the same side of the High Street as the appeal property, some of which are listed and some not. These include Copt Hall and Ballards Croft. As such, these features on the predominance of historic buildings are an important characteristic of this part of the conservation area. Saffrons and its neighbour to the north, Charnwood House, are exceptions to this character and appearance in that they are more recent twentieth century additions.
11. Charnwood House is set far back on its plot and is not, therefore, readily visible within the street scene. Saffrons is also set back from the frontage but not as far and, consequently, is visible. Given its position directly opposite the group of listed buildings centred around The Hoop, and the visual relationship between the buildings on opposite sides of the High Street, the appeal property forms part of the setting of these listed buildings.

12. I have had regard to the appellant's view that this is not the case, because of the distance between the buildings on opposite sides of the road, the barrier created by parked cars and a private road, and the mature planting to the front of the appeal site, which is to be supplemented. However, the National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Based on the site inspection, it is clear that the appeal property does form part of the surroundings for the heritage assets opposite and has a visual relationship with them, despite the screening that exists and separation between them.
13. Policy DM13 of the now adopted Chelmsford Local Plan 2013-2036 largely reflects the Framework's provisions with regard to designated heritage assets. It says that the Council will permit proposals where development within the setting of a listed building would not adversely affect the significance of the listed building, including views to and from the building. With regard to conservation areas, development will be permitted where the siting, design and scale would preserve or enhance the character or appearance of the area; building materials and finishes are appropriate to the local context; features which contribute to the character of the area are retained; and important views are preserved.
14. The appellant refers to the Council's Making Places Supplementary Planning Document (SPD) and to the Essex Design Guide. I note, however, that the SPD formally was revoked following adoption of the new Local Plan; therefore, I have not had regard to it. The Essex Design Guide is county-wide guidance and, as the appellant notes, a Village Design Statement (VDS) has been produced for Stock. It is preferable, therefore, to rely on this specific, local guidance rather than the county-wide guidance. In particular, I have had regard to the guidance in the VDS that any residential development should be sympathetic in scale, design and materials to existing nearby properties. This is consistent with the provisions of national and local policy, as well as the statutory requirements below.
15. In considering the main issue in this appeal I am particularly mindful of the statutory requirements for decision makers to have special regard to the desirability of preserving the setting of a listed building¹; and that in exercising planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area².
16. The changes proposed to the appeal property's built form are a rear two storey extension, to include a basement, terrace and lightwell. The additional depth of the extended dwelling would result in changes to the roof form, with areas of flat roof created, and the insertion of dormer windows to the rear and side roof slopes. While the whole building is within the conservation area, it is experienced visually in relation to the designated heritage assets principally from the public realm to the front and from the listed buildings opposite.
17. From these perspectives there would be little perceived change to the built form. I accept the appellant's contention that the flat roof and additional bulk

¹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

² Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

of the extended building would not be readily apparent from these views. It would be possible to gain passing views of the larger flank elevation in the gap between Saffrons and its neighbour, Ballards Croft. However, such views would be limited and there would be some screening and visual mitigation provided by existing and additional boundary planting. The larger dormer window would not be readily visible and only partial side views of the other dormer would be seen. The size of buildings in this part of the conservation area is variable and, therefore, the creation of a larger dwelling through development to the rear would not, of itself, be harmful.

18. The classical-style flat-roofed porch would be similar in appearance to the existing feature, although it would be wider and deeper. While this change would be to the visually prominent front elevation, it would nonetheless reflect the form and appearance of the existing feature and, as such, would not be incongruous. Taking these findings as a whole, therefore, there would be no material harm with regard to the principal changes to the appeal property's built form.
19. The other main changes would be the use of slate tiles for the extended roof and changes to the fenestration, including to the front elevation. It has already been noted that the predominant roofing material on properties surrounding the appeal property is tiles. The one exception where slate is used is Bay Cottage, a listed building on the opposite side of the High Street. However, this is a building of much smaller proportions than the extended appeal property would be. As such, the extended roof profile would be prominent within the street scene and the contrasting use of slate tiles to the surrounding buildings would be uncharacteristic and incongruous.
20. The appearance of the front elevation would be changed materially by the insertion of a number of new windows, and all the windows would have stone surrounds with keystones to the ground floor windows. I acknowledge that the vertical alignment and the new wooden sash windows would be an improvement on the existing UPVC windows. However, the stone surrounds and keystones would be a prominent feature in their own right and I agree with the Council in its assessment that this element of the design and detailing pays little regard to the simple character and form of the surrounding buildings.
21. The extent of the stone surrounds and keystones in the front elevation would make these features particularly prominent and would contrast unfavourably with the unadorned and simple original fenestration on the nearby listed and other buildings. These new features would be more prominent, uncharacteristic and incongruous than the simpler fenestration of the existing dwelling. As such, they would fail to preserve the setting of the listed buildings opposite and the character and appearance of the conservation area.
22. The appellant draws attention to the existence of slate roofs and stone window surrounds on a number of properties in the wider conservation area. However, as already found, these features are not prominent on buildings that form part of the immediate street scene in this part of the conservation area. Determining the effect of development on a conservation area as a whole may involve assessing how the appeal site contributes to the conservation area and how the proposed development would relate to its immediate surroundings. It is possible, therefore, to conclude that harm to part of the conservation area

would fail to preserve the whole of that area, which is the conclusion reached in this case.

23. I have had regard to the appellant's contention that the roof could be tiled with slate as permitted development. While I give this contention some weight, it is not the only finding of harm with regard to the overall proposal. The appellant also asserts that the windows can be replaced without the need for planning permission. However, for the avoidance of doubt, the relevant regulations are clear that development is not permitted within a conservation area without the need for planning permission where stone would be used with regard to any part of the exterior of a dwellinghouse³.
24. Accordingly, for the reasons given, I conclude that the proposed development would not preserve the character or appearance of the Stock Conservation Area and would not preserve the setting of the nearby listed buildings. Consequently, it is contrary to Policy DM13 of the adopted Chelmsford Local Plan 2013-2036, as described above, and to the Framework.
25. Where there is a harmful effect on the significance of a heritage asset which is less than substantial harm, which would apply in this case, the Framework requires the public benefit of the proposal to be weighed against the harm⁴. As found above, there would some benefit to the appearance of the host dwelling and so the wider area from some of the changes, particularly the replacement of the existing UPVC windows. However, this benefit is not sufficient to outweigh the extent of the identified harm to the setting of the listed buildings or the conservation area from the proposal.

Other Matters

26. I have had regard to all the representations made by interested parties. These do not, however, raise any additional matters in relation to the main issue in this appeal that would lead me to reach a different overall conclusion.

Conclusion

27. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR

³ The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A (A.2).

⁴ Paragraph 196.