
Appeal Decision

Site visit made on 8 February 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2021

Appeal Ref: APP/Z1510/W/20/3260487

Ivydene, Factory Lane East, Halstead CO9 2JH

- 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 M Jones (Unimains Ltd & Miro Developments Ltd) against the decision of Braintree District Council.
 - The application Ref 20/00644/FUL, dated 30 March 2020, was refused by notice dated 10 August 2020.
 - The development proposed is demolition of store and workshop outbuildings adjoining 'Ivydene' and the construction of a detached infill dwelling with parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has submitted its emerging Local Plan for examination. The examining Inspector has identified necessary modifications to the emerging plan, and there is no timescale to indicate when it may be adopted. Accordingly, its policies attract limited weight in the determination of this appeal.

Main Issues

3. The main issues are:
 - Whether the development proposed would preserve the setting of the Grade II listed building at Nos 1 to 16 Factory Lane East,
 - Whether it would preserve or enhance the character or appearance of the Halstead Town Centre Conservation Area; and,
 - The effect on the living conditions of neighbouring occupiers, with particular regard to the occupiers of Ivydene.

Reasons

Setting of the listed building

4. The site lies immediately adjacent to a Grade II listed terrace of three-storey houses. The listed building is a prominent feature in the local area due to its height and the consistency of materials and features such as the intricate detailing to the windows and the appearance of the front doors. The terrace

was built as industrial tenements, which is reflected in the street name, and is recognised as a good example of the type. The significance of the listed building therefore derives from its historic association with the development of the settlement as well as its distinctive character. It benefits from the separation to Ivydene, which allows it to be appreciated without appearing cramped in the street scene and which highlights its local importance.

5. The development proposed would significantly reduce the space to the side of the terrace. Although set further back from the road and not as tall as the listed building, the proposed house would be taller than the existing single-storey outbuildings lying to the rear of Ivydene. It would be a much more prominent feature of the street scene, reducing the prominence of the listed building within it. The impact of the development proposed would be particularly acute from the neighbouring car park, which is set at a lower level than Factory Lane East and from which the single-storey outbuildings are still less prominent.
6. The development proposed would therefore fail to preserve the setting of the listed building. It would conflict with the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires that special attention be paid to the desirability of preserving the setting of the listed building. It would also conflict with the requirements of Policies RLP90 and RLP100 of the adopted Braintree Local Plan 2005 (the LP) and Policy CS9 of the adopted Core Strategy 2011 (the CS). These policies require, amongst other things, that development not harm the setting of listed buildings.

Conservation Area

7. The Halstead Town Centre Conservation Area (the CA) derives its significance in part from the character of its historic buildings, the relationships between them and their influence on the development of the settlement and its setting. As a historic building of local importance and distinctive appearance, the listed building and its setting contribute to both the overall character and the appearance of the CA.
8. The development proposed would substantially reduce the gap separating the terrace from Ivydene, diminishing its contribution to both the character and appearance of the street scene and the wider CA. In addition, the appeal proposal would interrupt the views of the mature trees to the rear of the appeal site. The immediate area is densely developed, and this view provides relief in the setting, which contributes to the overall character of the CA.
9. The development proposed would also involve the partial demolition of the boundary wall to Ivydene that faces Factory Lane East. This wall is built of a similar red brick to the listed building and relates well to it within the street scene. The reduction in its depth would diminish the contribution that its appearance makes to that of the wider CA.
10. The proposed dwelling would be the same height as Ivydene and the neighbouring property, Bramble Cottage. It would have a twin ridge roof similar to Ivydene's, and be finished in materials appropriate to the CA. However, this would not be sufficient to overcome the harm that would result from the development to the character and appearance of the CA.

11. The appeal proposal would therefore fail to preserve or enhance the character or appearance of the CA. It would consequently conflict with the Act, which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of any buildings or other land in a conservation area. It would also conflict with Policies RLP90, RLP95 and RLP96 of the LP and Policy CS9 of the CS, which include requirements for the preservation or enhancement of character and appearance of designated Conservation Areas, and that demolition of the whole or part of an unlisted building in a Conservation Area will only be permitted if the structure to be demolished makes no contribution to the character, or appearance, of the conservation area.

Living conditions

12. The proposed house would lie to the rear of Ivydene, partially overlapping its rear elevation and a window to one of its bedrooms. The window would have a reduced outlook as a result. However the bedroom is dual-aspect and, given the orientation of Ivydene and the appeal property, there would be acceptable outlook for occupiers from the two windows to the room.
13. The proposed house would lie to the east of Ivydene. Some loss of direct natural light may occur to the bedroom as a result of the development. However, this would only occur in the early morning before the sun moves across the sky. The extent of harm arising would be limited.
14. The development proposed would not, therefore, cause unacceptable harm to the living conditions of neighbouring occupiers. It would accord with the requirements of Policies RLP90 of the LP and CS9 of the CS which, amongst other criteria, require that development not cause undue or unacceptable impact on the amenity of any nearby residential properties.

Other Matters

15. The site is within the zone of influence of the Blackwater Estuary Special Protection Area and Ramsar site. If I were minded to allow the appeal it would have been necessary to carry out an Appropriate Assessment to determine the effect of the development proposed on that site. However, as I am dismissing this appeal for other reasons it is not necessary to further consider this matter.

Planning Balance

16. There would be harm to the significance of both the setting of the listed building and the CA arising from the appeal proposal. This harm would be experienced principally in the immediate surroundings of the site, and would amount to less than substantial harm, given the scale of development proposed and when weighed against the significance of the listed building and the CA as a whole. The National Planning Policy Framework states that, when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the assets' conservation irrespective of whether any potential harm amounts to less than substantial harm.
17. The appeal proposal would result in a public benefit from the creation of a new dwelling in a sustainable location. This would support the Government's objective of significantly boosting the supply of homes. Given the shortfall in the Council's housing land supply, this attracts additional weight. In addition,

there would be economic benefits from the additional support for local services and facilities.

18. Nevertheless, the benefits arising from the creation of a single dwelling would be modest. Those modest benefits would not, in this instance, outweigh the great weight to be given to the harm to the designated heritage assets.

Conclusion

19. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR