



Appeal Decisions

Site Visit made on 27 April 2021

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2021

Appeal A - Ref: APP/C1570/W/20/3264544 15-17 Church Street, Saffron Walden, CB10 1JW

- 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 Martin Turnbull against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0507/FUL, dated 25 February 2020, was refused by notice dated 4 August 2020.
 - The development proposed is Demolition of the existing warehouse and retail building to the rear of No. 17 Church Street and the construction of 4 No. dwellings, with basement parking and the alteration and refurbishment of 15 Church Street) into a single dwelling.
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Appeal B - Ref: APP/C1570/Y/20/3264669 15-17 Church Street, Saffron Walden, CB10 1JW

- 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 Martin Turnbull against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0508/LB, dated 25 February 2020, was refused by notice dated 23 June 2020.
 - The works proposed are Demolition of the existing warehouse and retail building to the rear of No. 17 Church Street and the construction of 4 No. dwellings, with basement parking and the alteration and refurbishment of 15 Church Street) into a single dwelling.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. There appears to be a slight inconsistency between some of the plans. The extent of House 4 as shown on the first floor level plan appears to be more or less in line with the western flank wall of 17 Church Street. However, on the block plans the existing warehouse and Church Street elevation, House 4 appears to extend further westwards. I have based my reasoning on what appears to be the western extent of the site as shown on the survey.

4. The Council has not mentioned the effect of the development and works on the conservation area in its decision. In line with my statutory duties I have found it appropriate to consider the conservation area in my reasoning. As both parties are aware that the site sits within the conservation area, I am satisfied that this would not be prejudicial to either party.
5. Both appeals are concerned with the same development. In the interests of brevity and where appropriate I will deal the appeals together in my reasoning.

Main Issues

6. The main issues are:
 - Whether the works would preserve the Grade II listed 15 Church Street and its setting, as well as the settings of the Grade I listed St Mary's Church, 25 – 27 and 29 - 31 Church Street, the Grade II* listed 9 Church Street (Sparrows Charity), 19-21 (Ashcroft Court) and 23 Church Street (Cromwell House), and the Grade II listed 17 Church Street and 1, 2 and 4 Church Path, having particular regard to the desirability of preserving the listed buildings, any features of special architectural or historic interest, and their setting; and whether the works would preserve or enhance the character or appearance of the Conservation Area (Appeals A and B); and,
 - Whether the works would conform to local policies and national guidance with regard to archaeology (Appeal A).

Reasons

Heritage Assets – Appeals A and B

15 Church Street

7. Number 15 Church Street (No 15) is a narrow early 19th century two storey structure with a rendered finish on its front and one side elevation. The principal bay has a centrally placed multi-paned sash window which appears to have retained its original glazing and timber surrounds, as well as decorative plasterwork. At ground level a 20th century glazed shop front with central recessed entry door has replaced the original central casement window.
8. The render on No 15's exposed side elevation is patched. There is one original multi-paned sash window at first floor level and evidence that two ground floor windows have been blocked up.
9. A side bay to the main front elevation houses a panelled entrance door leading to a hallway, and staircases to the cellar and first floor. It appears that only the staircase leading to the first floor is original.
10. Internally, ground floor internal partitions have been removed, creating one large space. There are plaster friezes on two sides of the former front room but otherwise the ceiling has a more recent textured finish. On the first floor, the original layout, doors and reeded frames remain together with more plaster friezes and a ceiling rose. The cellar contains a centrally located brick fireplace.
11. The building was formerly divided into 3 blocks, which step down to the rear on the long plot. However, by 1960, No 15's rear had been opened up and

connected to a large pitched roof warehouse attached to the rear of 17 Church Street (No 17).

12. The significance of No 15 arises from its external historic fabric, notably the substantially unaltered front elevation, as well as the remaining internal historic fabric. There is also significance arising from its context on Church Street, which was one of the two streets that formed the original medieval town of Saffron Walden and which has retained a very high proportion of fine period buildings, including the Grade I listed 13th church located on elevated land on the opposite side of the road. The CA appraisal also notes that the earliest buildings in the town are found on Church Street and Castle Street.
13. My reasoning with regard to No 15's historic context is also reinforced by the proximity of other listed buildings on Church Street, including the adjacent No 17 and Grade II* listed Ashcroft Court, and the Grade II listed 15th and 16th century timber framed jettied cottages of 1, 2 and 4 Church Path which line the open ground in front of the church.
14. There are other listed buildings in the immediate vicinity including the Grade II* listed Sparrows Charity, a low plastered cottage dating back to the 15th century, and the 15th century timber framed and plastered Cromwell House, as well as 14, 16 and 18 Church Street on the other side of the road which date back to the 16th century.
15. The proposals would convert No 15 to its original residential use. The exterior works would restore the building's front elevation, with central sash windows on both floors, framed by ornate plasterwork. Notwithstanding that this would be contemporary works it is proposed to make use of historically appropriate materials and methods. The Council has not raised any concerns in this regard and I see no reason to disagree with that conclusion.
16. At the side, the additional three windows would form a grid with the retained original sash but would not replicate the original window's dimensions. It is unclear whether there is any particular reason for this discrepancy in size. Moreover, although it was apparent at my visit that two windows on the ground floor have been blocked up, the proposed window locations would not restore the layout of those openings. However, that section of the flank wall is slightly recessed and despite my concerns regarding the size difference, this is not an elevation that would have been designed to be prominent in public view. I appreciate that there would be some loss of external fabric in the installation of three side windows. Nonetheless, I am not satisfied that the flank wall makes a particular contribution to the overall significance of the building.
17. I agree with the Council that it is unclear why the cellar staircase needs to be relocated and this would result in some loss to the ground floor layout.
18. On the first floor the original layout would be retained which would enable the retention of the doors and door surrounds, the ceiling plasterwork and the existing original window.
19. The rear section of No 15 would have full height glazing on both floors. This appears to be the section of building most damaged by fire and there is nothing before me to indicate that it has retained particular features that contribute to heritage significance.

20. A glazed balcony would extend across the current separation between Nos 15 and 17 towards the building's rear. Its overall width would appear over-scaled in relation to the proportions of No 15's front elevation. The town map of 1877 clearly shows that the building stepped down the slope to open space at the rear and there was historically no link between Nos 15 and 17 until the 20th century. Moreover, it would be likely to have activity, furniture and planting, which would also detract from No 15's front elevation and the distinctive street scene.
21. Consequently, although the works would restore No 15's front elevation, there would be a loss of some limited external and internal fabric. The balcony would also appear highly incongruous in this location.
22. On balance I conclude that the works taken as a whole would diminish the significance of No 15 as well as its setting, which would amount to less than substantial harm.
23. However, not only would the most public face of No 15 be restored, but residential use would also provide some public benefit in adding to local housing stock in a sustainable location. Moreover, the current commercial hub of the town centre appears to have shifted to the south and I see no reason why residential use should not be viable in this location. The benefits arising from the development are considered further in the planning balance.

17 Church Street and other listed buildings

24. The heritage statement gives very little information with regard to the setting of 17 Church Street (No 17) or its wider context within the CA. As such, I have based my reasoning on my observations and the evidence before me.
25. Number 17 is an early 19th century dwelling hard against the footway, converted for retail and office use. It is an imposing three storey painted brick building with three recessed arcaded bays, and sash windows with glazing bars framed in stuccoed window sills and reveals. It has a pitched slate roof, flat elevations on the front and sides, and deep panelled eaves. There is a more recent two-storey extension to the rear, as well as a large warehouse which is as wide as the front elevation. Despite the contemporary shop fronts on the ground floor No 17 is a very attractive and commanding presence in the street scene. Although the narrow road restricts visibility from the footway, No 17's presence and immediate context can be seen more readily from the open and elevated ground of Church Path opposite.
26. The significance of No 17 is its intact historic fabric and the imposing scale and proportions of the original building. It also makes an individual and collective contribution to a street scene notable for the quality period buildings of mixed age and style that line both sides of the road. Consequently, there is also significance in No 17's setting, its juxtaposition with the other historic buildings and its contribution to the diversity of styles, typology and built form in this part of the town.
27. The development would remove the warehouse from the rear of No 17 and replace it with a dwelling directly abutting No 17's rear elevation, (House 1) and a terrace of three further dwellings, (Houses 2 – 4), above a basement car park.

28. The terrace of three dwellings would extend across the full plot width and would therefore be visible in views from the street from views along the gap between No 17 and Ashcroft House, and to a lesser extent between Nos 15 and 17 and from the elevated ground on Church Path. Moreover, the terrace would be significantly forward of, taller and deeper, than the dwelling behind Ashcroft Court, which appears to be a recent backland development.
29. Although the end dwelling in the terrace would appear foreshortened when seen from the street, it would nevertheless appear as a very bulky building. I appreciate that there is a 3D image of this view but it is unclear what settings were used. In reaching my conclusions I have used the location and height of the Ashcroft Court dwelling to assess the impact of the terrace on views from the street between Nos 15 and 17.
30. Moreover, the top of the terrace's gables would be higher than No 17's eaves, and its bold contemporary fenestration and full height windows would jar with the smaller scale detailing associated with No 17 and Ashcroft Court, as well as the dwelling behind Ashcroft Court. Furthermore, the terrace's roof would have a large central crowned section which would fail to accord with the key characteristic of steeply pitched roofs set out in the CA appraisal. This would also contrast with the series of pitched roof forms evident in the newer backland dwellings on each of No 17.
31. From the land fronting the church the warehouse roof appears roughly the same height as the roof of No 17's own rear extension, and consequently the warehouse appears subservient to No 17 and does not compete with No 17's visual dominance in the street scene. However the gable of House 4 would be taller than the warehouse and I am not satisfied that it would appear subservient, particularly in viewpoints from the elevated land in front of the church.
32. From the south the 3D images demonstrate that the terrace would appear to dominate the built form behind the Church Street frontage and would appear excessively tall and disproportionately bulky in relation to No 17 and the backland dwellings on each side. It would appear overscaled and would detract from the setting of No 17, diminishing its significance.
33. House 1 would be a two-storey dwelling tucked behind and abutting No 17's original rear elevation as well as the sides and rear of No 17's own two-storey extension. It would have a highly irregular footprint, and a rather contrived combination of hipped and gabled roofs. Overall it has the appearance of a dwelling designed to fill a very awkward space and consequently lacks design coherence. It would fail to relate to or reflect the simple flat elevations and proportions of the original No 17 building.
34. The removal of the warehouse would benefit the setting of No 17 in particular. However, I conclude that the development's mass, height and scale would be incongruous for the reasons set out above. I appreciate that No 17 has its own rear extension but this does not justify further inappropriate development attached to another part of its rear elevation. Although less visible from the public domain or from other vantage points behind the building line, I conclude that House 1 would fail to have any regard to No 17's setting which would be detrimental to its appreciation and significance.

35. Ashcroft Court is a two-storey brick faced structure with under-croft access to a rear courtyard. The current frontage of the earlier timber framed building dates back to 1800. Its significance is derived largely from its concealed timber framed construction. However, its overall scale and appearance make an individual and collective contribution to the distinctive street scene. The dwelling to the rear is seen mainly in views along the separation between Ashcroft Court and No 17, from where it appears appropriately scaled and distanced from the period buildings fronting the street. The proposed terrace would appear overly bulky, and too close to No 17. This would detract from the setting and appreciation of Ashcroft Court on the adjoining plot.
36. St Mary's church dates from the late 13th century, with the nave and tower rebuilt in the later 15th and early 16th century. The church and the nearby motte and bailey castle formed the heart of the early town, and the early Church Street delineated the original extents of the construction.
37. Insofar as Church Street is one of the earliest thoroughfares in the town, the wealth of period buildings provides a historic setting for the church, and emphasises that this area was the ecclesiastical and commercial hub of the town in earlier times. As such the church's significance arises from its setting in addition to its external and internal historic fabric. Any development that diminishes the overall historic setting would diminish the significance of the church.
38. I conclude that the development would result in less than substantial harm to the setting of No 17 and Ashcroft Court. I give this moderate weight. It would also result in less than substantial harm to the settings of other listed buildings in the area including the church, insofar as the street scene provides that setting. With regard to the other listed buildings I attribute minor to moderate weight.
39. Consequently, the proposals would fail to preserve the special features of No 15, including setting, as well as the settings of other listed buildings in the area. This would be contrary to Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), as well as being contrary to the provisions of Section 16 of the Framework. The proposals would also be contrary to Policy ENV2 of the Local Plan (LP) which requires development affecting a listed building to be in keeping with its scale, character and surroundings and contrary to the design aims of LP Policy GEN2.

Conservation Area

40. Church Street is a narrow road lined on both sides by a series of highly distinctive period buildings, a significant proportion of which date from medieval times. A very high proportion of the buildings are listed and most of those that are not, are identified in the CA appraisal as buildings making an important contribution to the CA. All the buildings benefit from the presence of the others which provide reciprocal influences and settings.
41. Where there are more recent dwellings behind the Church Street frontage these have very little presence in the street scene as they are seen only as glimpsed views through archways, or as gables and roof forms extending above plot boundaries. Where seen from the road, the scale and typology of these buildings reflects that of the mainly period buildings in the vicinity.

42. I conclude that the significance of the CA derives from its intact historic fabric spanning several centuries, the tight building pattern and the spatial relationship of the building pattern to the underlying medieval town layout. The CA appraisal states that the CA is very special and has a high degree of architectural and historic importance. On the basis of my observations I see no reason to disagree with that statement.
43. The removal of the warehouse would benefit the CA by its removal, but I have already found that the dwellings proposed behind No 17 would diminish its setting, as well as the setting of other listed buildings in the area. In addition, the proposed balcony at No 15 would also diminish the setting of No 15. For those reasons I conclude that the proposals would also fail to preserve or enhance the character or appearance of the CA. This would amount to less than substantial harm.
44. I appreciate that some of the development would not be particularly visible from the street but visibility from the public realm is not necessarily determinative as situations may change.
45. In the light of the above, I conclude that the development would fail to preserve or enhance the character or appearance of the CA, and would therefore be contrary to LP Policy ENV1 which allows development only where it preserves or enhances the character and appearance of the essential features of a conservation area, and LP Policy ENV 2 which requires development affecting a listed building to be in keeping with its scale, character and surroundings. It would also be contrary with the design aims of LP Policy GEN2 and Section 72 of the Act, and Section 16 of the Framework.

Archaeology – Appeal A

46. As Church Street was part of the medieval street plan it seems likely that there may be archaeological remains in the area. Whilst I appreciate that the site has been built upon and a field assessment would be difficult, I see no reason why a desk top assessment could not have accompanied the application. This would have identified whether there were grounds for believing that the site might house archaeological remains and could have addressed some of the Council's concerns. Given the site's proximity to the medieval town core, and the likelihood that excavation for the dwellings might be deeper than that of the warehouse, I find the Council's cautious approach justified.
47. As such, as it is unclear whether the site might have the potential to contain archaeological remains the development would be contrary to LP Policy ENV4 which requires a field assessment to be carried out before planning applications can be determined. It would also be contrary to Paragraph 189 of the Framework which requires developers to submit an appropriate desk-based assessment where there is the potential for archaeological remains.

Planning and Heritage Balance – Appeals A and B

48. The Council is unable to demonstrate sufficient housing supply and as such Paragraph 11 of the Framework is engaged. This states that where the policies which are most important for determining are out of date, permission should be granted unless the application of policies in the Framework that protect areas of assets of particular importance provide clear reasons for refusal. Designated heritage assets are listed as one of those assets of particular importance.

49. The harm identified above in relation to No 15, the settings of other listed buildings, and to the CA, would amount to less than substantial harm. Paragraph 193 of the Framework states that when considering the impact of a proposal on the significance of a designate heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether the potential harm amounts to substantial harm or less than substantial harm to its significance.
50. Paragraph 196 of the Framework states that the harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimal viable use. Taking No 15 in isolation I conclude that the public benefits arising from its restoration would outweigh the harm identified. As such, I have considered whether a split decision could be issued but it is unclear to me whether the works to No 15 would be truly severable.
51. There would also be public benefits from the provision of four additional dwellings behind No 17. All would be in a highly sustainable location, and would make a small contribution to local housing supply.
52. However, the totality of harm identified above from the development leads me to conclude that the benefits arising from the development and works would not outweigh that harm. Whilst I appreciate that residential development might be the optimum viable use for this site, there is nothing before me to indicate that these proposals represent the only design options.
53. Consequently, I conclude that the policies in the Framework with regard to heritage assets give clear reasons for refusal.

Conclusion – Appeals A and B

54. The development and works would fail to accord with the Local Plan, the Framework and the Act. I have not found benefits, whether public or not, of sufficient weight to outweigh the harm identified. I conclude that the appeal should be dismissed, and that listed building consent should also be refused.

A Blicq

INSPECTOR