



Appeal Decision

Site Visit made on 28 September 2021

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2021

Appeal A Ref: APP/A1530/W/21/3272353

Yew Tree House, 16 Coast Road, West Mersea, Colchester, CO5 8LH

- 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 Natasha French against the decision of Colchester Borough Council.
- The application Ref 202620, dated 24 November 2020, was refused by notice dated 29 January 2021.
- The development proposed is erection of a single storey rear Orangery. Resubmission of 201501

Appeal B Ref: APP/A1530/Y/21/3272354

Yew Tree House, 16 Coast Road, West Mersea, Colchester, CO5 8LH

- 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 Mrs Natasha French against the decision of Colchester Borough Council.
 - The application Ref 202621, dated 24 November 2020, was refused by notice dated 29 January 2021.
 - The works proposed are listed building application for the erection of a single storey rear Orangery. Resubmission of application: 201502.
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Decision - Appeal A

1. The appeal is dismissed.

Decision - Appeal B

2. The appeal is dismissed.

Procedural Matters

3. Both appeals relate to the same scheme under different but complimentary legislation, I have therefore dealt with them together in my reasoning.
4. I have taken the description of development/works from the appeal forms. Furthermore, for the avoidance of doubt I have determined the appeal on the basis of plan reference APD/46/PA002C (revision C). I am satisfied that no party has been prejudiced by this approach.

Main Issue

5. The main issue is whether the proposed development/works would preserve the grade II* Yew Tree House, Gate and Gatepiers or its setting and any of the features of special architectural or historic interest that it possesses.

Reasons

6. The appeal property is a grade II* listed detached C18 dwelling with a modern single storey extension and a large modern dormer window set in a substantial plot with outbuildings (Yew Tree House).
7. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be given to the desirability of preserving a listed building or its setting and any features of architectural or historic interest it possesses. Furthermore, paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Significance

8. Yew Tree House is finished in red and blue glazed bricks with a clay peg-tiled roof. It is centrally positioned in a large plot following a bend in Coast Road behind an iron gate with stone capped brick piers and thick boundary vegetation. Its main front elevation has decorative detailing and uniform fenestration including two sliding sash windows with brick arches over either side of a panelled entrance door with pilasters and entablature. Above, at first floor level are five evenly sized and positioned sash windows, decorative brick courses and parapet wall detail at eaves. A large rear wing gives an L-shaped plan form, which together with the side elevations have more simple detailing, with the gable ends and chimney stacks particularly noticeable but with more irregularly sized and positioned windows.
9. In my view, insofar as is relevant to these cases, the significance of the grade II* listed building derives from its scale, its positioning in relation to Coast Road and the coastline and its decorative and cohesive traditional architectural detailing.

Effects on Yew Tree House

10. The proposed orangery would infill a corner between the large rear wing and the single storey extension and the original rear elevation. It would be slightly inset from both the main side elevation of the listed building which faces Coast Road and the gable end of the modern single storey extension. It would have a flat roof with two large roof lanterns and the proposed elevations would be brickwork with small paned glazed timber windows and doors painted the same colour as the existing windows.
11. However, the proposed glazing and doors would be extensive. Whilst the size of the glass panes would reflect the existing fenestration their combined expanse would not. I note the intention to create the effect of a traditional orangery. However, the proposal would instead create a large mainly glazed modern living space infilling the L-shaped plan form of the listed building.

12. Furthermore, there are also limited details as to how the proposed extension would be fixed to the listed building, how the new openings would be created to access the proposal or how services particularly drainage would be modified to accommodate the scheme. Consequently, I also cannot be satisfied the scheme would not harm any of the listed buildings historic fabric.
13. I accept Yew Tree House and its plot were once surrounded by fields in a somewhat rural landscape, whereas now it is surrounded by built form including modern dwellings. I also accept the proposal would not be tall and the elevations would be somewhat symmetrical and finished in materials and a colour to match the appeal property.
14. However, the scheme would be partly visible from Coast Road above and through gaps in the boundary vegetation. Even if the scheme was fully screened from Coast Road it would still be experienced within the setting of the listed building from within the large plot.
15. Through its conflicting appearance, particularly the expanse of glazing and large roof lanterns it would dominate the east facing side elevation and complicate the appearance of the north facing rear elevation particularly at the roof juncture. Thus, the scheme would introduce a large incongruous, dominant feature which would conflict with the cohesive and traditional architectural detailing of the listed building also harming its setting. It would therefore fail to preserve the historic architectural detailing of Yew Tree House or its setting, harming its significance.

Planning and Heritage Balance

16. The harm I have identified to the significance of the designated heritage asset would be less than substantial. In which case paragraph 202 of the Framework requires it to be weighed against the public benefits of the proposals, including where appropriate, securing optimum viable use.
17. The proposals would improve the living conditions for the occupiers in terms of additional internal living space resulting in a property that would meet the appellant's need for more family space. However, there is no substantive evidence before me to suggest the current accommodation results in harmful living conditions. Thus, the appeal property without the proposals successfully functions as a dwelling and the proposals are not therefore necessary to achieve the property's optimum viable use. Furthermore, even if I were to accept these matters as public benefits, when combined they would be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage asset.
18. In reaching these conclusions I note that West Mersea Town Council recommended listed building consent be granted. Even so, this does not alter my findings and overall, I am led to the conclusion that the proposed development/works would fail to preserve Yew Tree House and its features of special architectural or historic interest or its setting contrary to the respective sections of the Act and the Framework.
19. For the same reasons the appeal proposals would also conflict with Policies UR2 and ENV1 of the Colchester Core Strategy (2008) revised (2014) and Policies DP1, DP13 and DP14 of the Colchester Development Policies (2010) revised

(2014) which taken together seek to preserve or enhance the historic environment and achieve good design.

Conclusion

20. For the reasons given above and taking into account all other matters raised, I conclude that both appeals should be dismissed.

L Fleming

INSPECTOR