



Appeal Decisions

Site visit made on 4 January 2022

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2022

Appeal A - Ref: APP/C1570/W/21/3274380

Brick House Farm, Cherry Street, Duton Hill, Tilty, Essex CM6 2EE

- 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 Ms Nudd against the decision of Uttlesford District Council.
 - The application Ref UTT/21/0639/HHF, dated 25 February 2021, was refused by notice dated 23 April 2021.
 - The development proposed is described as 'Removal of unauthorised window on north elevation and replacement with new window'.
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Appeal B - Ref: APP/C1570/Y/21/3274379

Brick House Farm, Cherry Street, Duton Hill, Tilty, Essex, CM6 2EE

- 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 Ms Nudd against the decision of Uttlesford District Council.
 - The application Ref UTT/21/0640/LB, dated 25 February 2021, was refused by notice dated 23 April 2021.
 - The works proposed are described as 'Removal of unauthorised window on north elevation and replacement with new window'.
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Decisions

1. Appeal A - The appeal is allowed, and planning permission is granted for the removal of an unauthorised window on the north elevation and its replacement with a new window at Brick House Farm, Cherry Street, Duton Hill, Tilty, Essex CM6 2EE, in accordance with the terms of the application, Ref: UTT/21/0639/HHF, dated 25 February 2021 and subject to the following conditions.
 - 1) The development hereby permitted shall commence not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20036_12 (Existing window to be replaced) and 20036_13 (Proposed replacement window).
2. Appeal B - The appeal is allowed, and listed building consent is granted for the removal of an unauthorised window on the north elevation and its replacement with a new window at Brick House Farm, Cherry Street, Duton Hill, Tilty, Essex CM6 2EE, in accordance with the terms of the application, Ref: UTT/21/0640/LB, dated 25 February 2021 and the plans submitted with it, and subject to the following condition.
 - 1) The works hereby authorised shall commence not later than 3 years from the date of this consent.

Preliminary Matters

3. I have considered the appeals concurrently, but on their own merits, because there are common matters between them. I have taken the descriptions of development/works from the appeal forms in the interests of brevity.

Reasons

4. The main issue in both appeals is whether the proposal would preserve the Grade II listed building known as Brick House Farm¹, or any features of special architectural or historic interest it possesses.
5. Brick House Farm was listed in 1967 and probably dates from the late 15th or early 16th Century. The historic core is timber framed and the elevations are simple in appearance with plastered walls and a red plain tiled roof. The building was subdivided in the mid-20th Century to create two dwellings. The appeal property has been altered over time, most notably with a 19th Century extension and another in the late 1990s. Nevertheless, the building is still clearly discernible as a post medieval vernacular dwelling. It therefore tells us much about historic construction techniques, the evolution of houses and bygone ways of life. The building also has a simple rural charm. Accordingly, the significance of the listed building, in so far as it relates to these appeals, is its evidential, historic and aesthetic value.
6. Some of the windows in the building appear to be 19th Century flush fitting timber casements that are single glazed. The windows are painted white with black surroundings to distinguish them from the white painted walls. This appears to be a traditional local finish. The windows are a repository of 19th Century technology and fashion and are of considerable aesthetic and evidential value. The windows are therefore an important part of the building's significance and value.
7. The window positioning, size and style in the front road facing elevation has some structure and balance, as is to be expected on the public frontage. The windows to the rear are more ad hoc in terms of size and positioning, although four light casements still predominate. The window placement in the north elevation has little apparent balance or structure and includes four and six light casements as well as a 12-light window with a horizontal emphasis. That said, the windows are white painted timber with the black surround, which provides some harmony.
8. The existing unauthorised window in question has an unpainted timber finish and appears to have a wood stain applied. It incorporates ornate stain glass and windowpanes held in place by lead. The design of the window is wholly out of keeping with the other simple casement windows found elsewhere on the building. As a result, its removal would enhance the listed building. That said, removing a harmful unauthorised window would not justify the replacement window now proposed, as there are other options open to the Council to remedy this. Similarly, providing natural light into a hallway would not be adequate justification, especially as a previous window was blocked in.
9. Nevertheless, the proposed window would be small and subtly sited in a side elevation where there is little discernible pattern to the positioning of windows. As a result, it would not upset the rhythm of the fenestration. Moreover, the

¹ Listed as Brickhouse Farmhouse

window would be white painted timber with a black surround as is typical and consistent with others elsewhere on the building. Furthermore, the thin horizontal bar would allow the design of the windowpanes to echo the size and rectangular shape of the other casement windows in the building. The use of butt hinges, single glazing and traditional stays would also afford the window a sense of authenticity. Consequently, the window would have a neutral impact on the significance of the building.

10. Drawings from 1997 (submitted by the appellant) confirm that the existing unauthorised window was not present at that time. Therefore, creating the opening for the window would have resulted in the removal of some of the fabric of the building. The Council's advisor from Place Services suggests it was 'historic' fabric. However, they do not appear to have visited the site, so their comments need to be taken with some caution, especially as they do not explain what fabric has been lost and its likely period and significance. There is no indication from the Council that any special feature was lost.
11. The list description refers to a lean-to extension at the northern end of the building, so it is likely the hall in the lean to that the window would serve predates 1967. However, the lean-to probably dates from a later phase in the building's evolution and is therefore of lesser interest than the early modern core. As a result, it is likely that a very small area of low evidential value was removed. Thus, the evidence before me indicates that creating the opening had a neutral effect on the building's significance.
12. In conclusion, the proposal would preserve² the significance, value and special interest of the listed building. As a result, it would adhere to the expectations set out in The Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act')³ and the National Planning Policy Framework⁴. The proposal would also adhere to Policies GEN2 and ENV2 of the Uttlesford Local Plan 2005 in so far as relevant, which seek good design and to secure proposals that protect the special characteristics of listed buildings.

Conditions

13. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council. Commencement conditions are required in respect of both appeals. It is necessary to impose a plans condition on Appeal A in the interests of certainty.

Conclusions

14. For the reasons given the appeals are allowed.

Graham Chamberlain
INSPECTOR

² Preserve in this context means to do no harm.

³ See s16(2) and s66(1) as relevant

⁴ Paragraphs 189, 190, 195 and 197 in particular