
Appeal Decisions

Site visit made on 7 February 2022

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 01 March 2022

Appeal A: APP/Z1510/W/21/3274551

The Lawn House, 146 High Street, Kelvedon, Essex CO5 9JA

- 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 and Mrs Huntley against the decision of Braintree District Council.
 - The application Ref 20/02215/HH, dated 22 December 2020, was refused by notice dated 16 April 2021.
 - The development proposed is a single storey rear extension and associated landscaping.
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Appeal B: APP/Z1510/Y/21/3274548

The Lawn House, 146 High Street, Kelvedon, Essex CO5 9JA

- 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 and Mrs Huntley against the decision of Braintree District Council.
 - The application Ref 20/02216/LBC, dated 22 December 2020, was refused by notice dated 16 April 2021.
 - The works proposed are a single storey rear extension and associated landscaping.
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Decisions

1. Both Appeal A and Appeal B are dismissed.

Main Issue

2. The main issue in this appeal is the effects of the proposal on the designated historic asset.

Reasons

3. The appeals relate to this large detached residential property which is located on the main High Street within Kelvedon. The house is said to have its origins in the 17th Century with additions and alterations dating from the 18th and 19th Centuries. The property is Grade II listed and sits within the Kelvedon Conservation Area.
4. The assemblage of various elements to the house, dating from various centuries has resulted in a building with a near-regular rectangular footprint, save for 2 bays on the front and one at the rear. The proposed conservatory-style structure would be erected adjacent to the rear elevation on its left-hand side.

5. The proposed extension would measure around 5.97m in depth and 4.97m in width and would be positioned adjacent to the existing kitchen. The extension would be predominantly glazed, with a solid wall facing south-west. Access from the kitchen would be by newly inserted double doors.
6. The Council points out that the proposed extension would be larger than most of the principal rooms on the ground floor. Whilst the appellant indicates the sizes of these rooms, I can see that it would be larger than some rooms and about the same size as the largest.
7. The existing rear elevation is a regular, flat-faced wall (with very minor variations) and numerous window openings. The only significant projecting feature is the bay window set on the right-hand side of the elevation, serving the sitting room. Although it is plain that the rear elevation consists of elements dating from different periods, its overall effect is of a regular, flat elevation.
8. The size and particularly the depth of the proposal would result in a room that would fail to be subservient to the adjacent kitchen and the other rooms within the ground floor. As a result, I consider that the proposal would challenge the existing rooms and layout and would disrupt the hierarchy of the principal rooms being within the historic parts of the building. In addition, I consider that it would dominate the rear elevation of the property and would dominate and detract from the existing bay. In relation to the effects on the Conservation Area, this would diminish the contribution that the building makes to its character and appearance.
9. The appellants indicate that the proposal would enable improvements to the building including to possible damp within the rear wall and removal of the existing window and cill. In addition, the appellant indicates that the proposal would help to sustain local employment in the construction sector.
10. The National Planning Policy Framework states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to its conservation, irrespective of the level of harm. Adding that any harm should require clear and convincing justification. In the light of the advice in the Framework, I judge that the harm would amount to less than substantial harm. This needs to be weighed against the public benefits of the proposal. I have considered the benefits, as set out by the appellants and in my judgement, they would be insufficient to outweigh the harm to the significance of the listed building and conservation area.

Conclusions

11. As a result of my findings, the proposal is contrary to Policies RLP90, RLP95 and RLP100 of the Braintree District Local Plan Review 2005 and there are no matters which outweigh that conflict. Consequently, the appeals are dismissed.

S T Wood

INSPECTOR