



Appeal Decision

Site visit made on 8 March 2022

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th March 2022

Appeal A Ref: APP/C1570/W/21/3279986

1 Wells Cottages, Robin Hood Road, Elsenham, CM22 6ED

- 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 Christopher Hennem against Uttlesford District Council.
 - The application Ref UTT/21/1025/HHF, dated 20 March 2021, was refused 14 May 2021.
 - The development proposed is minor internal and elevations alterations to and minor rear extension.
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Appeal B Ref: APP/C1570/Y/21/3279985

1 Wells Cottages, Robin Hood Road, Elsenham, CM22 6ED

- 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 Christopher Hennem against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1026/LB, dated 20 March 2021, was refused by notice dated 17 May 2021.
 - The works proposed are minor internal and elevations alterations to and minor rear extension.
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Decisions

Appeal A - APP/C1570/W/21/3279986

1. The appeal is allowed and planning permission is granted for minor internal and elevations alterations to and minor rear extension at 1 Wells Cottages, Robin Hood Road, Elsenham, CM22 6ED in accordance with the terms of the application Ref UTT/21/1025/HHF, dated 20 March 2021 subject to the conditions set out in the schedule attached to this decision.

Appeal B - APP/C1570/Y/21/3279985

2. The appeal is allowed and listed building consent is granted for minor internal and elevations alterations to and minor rear extension at 1 Wells Cottages, Robin Hood Road, Elsenham, CM22 6ED in accordance with the terms of the application Ref UTT/21/1026/LB, dated 20 March 2021, subject to the condition set out in the schedule attached to this decision.

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 except where indicated otherwise. At the time of my site visit the new doorway had already been installed. I have dealt with the appeals on this basis.
4. The appeal property has a centrally positioned chimney on the main roof which is referenced in the listing description. However, this is not shown on the appeal/application plans. It is clearly an omission and in no way do any of the works/development described or detailed on the drawings relate to the removal of that chimney. Thus, I must make clear that neither decision permits the removal of that chimney, I have considered this matter further in my conditions section below.
5. Furthermore, also submitted with the appeal is a quote for repair work¹. That work is not comprehensively detailed on the appeal drawings and as such those detailed works were not considered by the Council when it determined the applications. I have determined the appeal on the basis of the works detailed on the appeal/application plans only. In no way are any other works, not shown on those drawings permitted through my determination of these appeals.

Main Issue

6. The main issue in both appeals is whether the proposed development/works would preserve the grade II listed Wells Cottages, 1 Robin Hood Road or its setting and any features of special architectural or historic interest that it possesses and whether the scheme would harm the character or appearance of the area.

Significance

7. The appeal property is a detached single storey grade II listed cottage in a residential area (1 Wells Cottages).
8. 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.
9. The appeal property is timber-framed C18-C19 with a steeply pitched roof covered with modern tiles. More likely than not, the roof was originally thatch. The external walls are plastered. Overall, the property has a modest simple form. Insofar as is relevant to these appeals, I find the significance of the appeal property derives from its traditional architectural detailing and its simple, modest character as a traditional cottage in a rural area.

¹ Atwell Building and Restoration dated 01 February 2020.

Effects on the grade II listed 1 Wells Cottages and the character and appearance of the area

10. In considering a similar scheme an Inspector in 2020² found that the proposed extension would be disproportionately large relative to the existing building and through the details proposed would complicate the appearance of the grade II listed building and erode its overall modest, diminutive rural character. Overall, it was found those proposals would therefore harm the significance of the listed building, which although less than substantial would not be outweighed by public benefits.
11. However, the scheme before me is different, it is a much smaller modest single storey extension which would infill a small corner and extend an existing modern flat roofed projection. It would be of simple form, uncomplicated and in proportion. The Council has not put forward any evidence which suggests the proposed alterations detailed on the drawing would result in the loss or harm to any significant historic fabric associated with the listed building. Indeed, the works relate to mainly the modern fabric associated with the listed building. The proposed roof light would be conservation type and would be inserted into the modern tiled roof. Furthermore, in contrast with the previous scheme, the modest extension would not be widely visible from anywhere other than the rear garden of the appeal property and in any event, it would be modest and sympathetic to it.
12. Thus overall, I find, the scheme would not detract from the listed buildings traditional modest cottage form and therefore the setting and features of special architectural or historic interest of the listed building and its overall significance would be preserved. There would also be no harm to the character or appearance of the area. Consequently, as there would be no harm to the designated heritage asset, there is no need for me to go on and consider any public benefits of the scheme or otherwise.
13. The scheme would therefore accord with the statutory provisions and the Framework set out above and there would be no conflict with Policies GEN2, ENV2 or H8 of the Uttlesford Local Plan (2005) which taken together seek to ensure good design generally and that proposals involving extensions to listed buildings are in keeping with their scale and character and preserve special characteristics.

Conditions

14. The conditions imposed for both appeals are those which have been suggested by the Council, adjusted in the interests of precision in accordance with the advice on imposing conditions in the Planning Practice Guidance. However, the standard timescale condition is only necessary on the planning permission as the listed building consent cannot be implemented on its own.
15. Although not suggested by the Council, I have also imposed a condition on appeal decision A which specifies the relevant drawings and clarifies the position with regard to the chimney as detailed above, all in the interests of providing certainty.

² Appeal References APP/C1570/W/20/3245813 & APP/C1570/Y/20/3245814

16. As requested by the Council, I have also imposed a condition on appeal decision A which requires the materials to be agreed in the interests of preserving the heritage asset and the character and appearance of the area.
17. Furthermore, the Council requested a condition be imposed on appeal decision A which requires details of the windows and their associated construction to be submitted and approved. I agree this is necessary but, the reason for it, is to preserve the heritage asset. I have therefore attached this condition to appeal decision B, not A as requested by the Council.

Conclusion

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

L Fleming

INSPECTOR

Appeal A – SCHEDULE

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Alterations WELLS Nov 2020; Photograph of Rooflight and Proposed Door Detail WELLS DOC Mar 2021. The existing chimney on the main roof is not shown on these plans, in no way does the approval of these drawings permit its removal.
- 3) Prior to slab level, samples of the external finishes should be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

Appeal B - SCHEDULE

- 1) Prior to slab level, additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate should be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

END