



Appeal Decisions

Site visit made on 22 March 2022

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2022

Appeal A Ref: APP/Z1510/W/21/3279202

Pheasant Cottage, Shalford Road, Panfield, Braintree CM7 5AS

- 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 Kerry Luckin against the decision of Braintree District Council.
 - The application Ref 21/00589/HH, dated 18 February 2021, was refused by notice dated 13 May 2021.
 - The development proposed is a side extension and glazed link.
-

Appeal B Ref: APP/Z1510/Y/21/3279203

Pheasant Cottage, Shalford Road, Panfield, Braintree CM7 5AS

- 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 Kerry Luckin against the decision of Braintree District Council.
 - The application Ref 21/00590/LBC, dated 18 February 2021, was refused by notice dated 13 May 2021.
 - The works proposed are side extension and glazed link.
-

Appeal C Ref: APP/Z1510/W/21/3279204

Pheasant Cottage, Shalford Road, Panfield, Braintree CM7 5AS

- 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 Kerry Luckin against the decision of Braintree District Council.
 - The application Ref 21/00587/HH, dated 15 February 2021, was refused by notice dated 13 May 2021.
 - The development proposed is retrospective application for the erection of a car port.
-

Decision - Appeal A

1. The appeal is dismissed.

Decision - Appeal B

2. The appeal is dismissed.

Decision - Appeal C

3. The appeal is dismissed.

Preliminary Matters

4. Both appeals A and B relate to the same scheme under different but complimentary legislation. Appeal C relates to a different proposal at the same property. In the interests of efficiency, I have dealt with all three appeals together except where I have indicated otherwise.
5. At the time of my site visit the concrete floor slab for the single storey extension forming the subject of appeals A and B had been constructed. Furthermore, the timber framework for the car port (appeal C) had been erected. However, construction on both schemes had ceased. I have assessed the appeals on this basis.
6. The Council's decisions refer to draft policies of the Council's emerging Section 2 Local Plan. However, no substantive evidence has been provided to allow me to assess the weight to be afforded to those policies in accordance with paragraph 48 of the National Planning Policy Framework (the Framework). I have therefore afforded them only limited weight. In any event, even if those policies were afforded full weight the outcome of all three appeals would have been the same. I am satisfied that no party has been prejudiced by my approach.
7. The appellant's evidence refers to effects on Little Timbers a grade II listed dwelling nearby. However, the Council do not allege any harm to the setting or significance of this heritage asset. I consider due to the separation distance, intervening features and the scale of the proposals, I agree that the proposals detailed in all three appeals would have no effect on this listed building. I have therefore not considered this matter any further.

Main Issue

8. The main issue in all three appeals is whether the proposed development/works would preserve the grade II listed Pheasant Cottage or its setting and any features of special architectural or historic interest that it possesses.

Reasons

9. The appeal property is a grade II listed detached dwelling in a spacious plot (Pheasant Cottage). It is positioned next to a field and other dwellings in a rural area.

Significance of Pheasant Cottage

10. Pheasant Cottage is of late medieval origin, with notable C16 and C20 alterations. It has a long and narrow predominantly rectangular in-line plan form, is set with space around it with its narrow side elevation facing and relatively close to the road. It is timber-framed with plastered walls and a thatch roof which is half hipped at both ends. It is one storey with attic rooms with eyebrow dormer casement windows and horizontal sliding sash windows at the ground floor. Insofar as is relevant to these appeals the significance of Pheasant Cottage derives from its positioning, its long and narrow plan form and its traditional architectural detailing.

Effects on Pheasant Cottage

Appeals A and B

11. A large single storey extension would be attached to the northwest facing elevation through a small, glazed link between the existing entrance door and a proposed wide and deep brick, weatherboarded and tiled hipped roof extension.
12. I acknowledge the appellants comments with regard to misunderstanding whether or not planning permission and or listed building consent is required for the proposed development/works. I note the glazed link would be frameless affording localised views of the northwest facing elevation of the listed building. I note the proposed extension has been designed to take influence from its context and the proposed materials are traditional and sympathetic to the listed building. I have also considered the appeal decisions¹ relating to Cut Hedge Cottage. However, this is a different listed building in a different context and ultimately that scheme is not before me.
13. The proposed extension before me would introduce a large rectangular addition to the listed building in between traditional fenestration. The extension would extend deep into the space between the listed building and the plot boundary, breaking up the long rectangular elevation. It would have a large tiled hipped roof which would be widely visible alongside the thatch roof and appear in the foreground of the attic room windows from many vantage points within and outside the plot. I note the existing tree and hedging, however, I am not satisfied that these features and any additional boundary landscaping or fencing along the plot boundaries would screen the development from view. In any event the effects of the scheme would be fully experienced from within the plot.
14. Through its overall scale and positioning the proposed extension would interrupt the attractive simple ground floor window arrangement and become the dominant feature of the northwest facing elevation with the proposed roof form in conflict and competition with the attractive traditional thatch roof and associated traditional detailing. It would not appear as a free-standing element instead appearing as a large extension. Whilst the proposal may be in the same space as a previous extension, that extension is no longer there.
15. Overall, through its scale, form and positioning the proposed development/works would detract and draw emphasis away from the traditional architectural detailing and simple form of the wider listed building. This would harm the significance and setting of the listed building and fail to preserve the designated heritage asset.
16. However, the harm I have identified to the significance of Pheasant Cottage would be less than substantial. In which case 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. However, there is no evidence to suggest the appeal property does not function adequately as a dwelling without the proposal. Thus, these are private benefits and in any event any benefits there may be are modest and would be insufficient to outweigh the great weight I

¹ Appeal References APP/Z1510/W/20/3252803 and APP/Z1510/Y/20/3252810

must attach to the harm I have identified to the designated heritage asset. Thus, overall, I find the proposed development/works would fail to preserve the grade II listed Pheasant Cottage and its setting contrary to the respective sections of the Act and the Framework.

18. For the same reasons both appeal proposals would also conflict with the development plan, particularly Policy CS5 of the Council's Local Development Framework Core Strategy (2011) (CS) and Policies RLP2, RLP18, RLP90 and RLP100 of the Braintree District Local Plan Review (2005) (LPR) which taken together seek to ensure good design generally and that proposals conserve features of historic, architectural or landscape importance.

Appeal C

19. The proposed car port would be positioned close to the road in the northern corner of the plot. It would have a asymmetric pitched roof, with half hip ends and an overall ridge height of some 3.7 metres. It would be some 9 metres wide and some 5.3 metres deep.
20. I acknowledge the appellants comments with regard to misunderstanding whether or not planning permission was required for the proposed development. I note the timber finish would reflect similar buildings nearby and the character of the appeal property. I have also considered the example of similar development at Little Timbers² nearby. However, whilst I accept that buildings such as those proposed are a feature of the locality, this example is not in the same context directly next to the grade II listed Pheasant Cottage.
21. Through its positioning in the corner of the plot close to the road the proposed building would be visually prominent. It would be tall and wide and visible through and above the current or any proposed boundary vegetation in front of the northwest facing elevation of Pheasant Cottage, particularly when approaching the appeal site from the northwest. As above, I note the existing tree and hedging, however, I am not satisfied that these features and any additional boundary landscaping or fencing along the plot boundaries would screen the development from view, particularly its roof and expansive ridgeline in the foreground of the listed building.
22. Through its height, it's roof would interrupt views of the attractive northwest facing elevation of Pheasant Cottage, with its scale and clay tile finish in conflict with the traditional thatch roof and traditional simple architectural detailing of the listed building. This conflict would harm the setting and significance of the listed building. That harm would be less than substantial. However, there is no substantive evidence to suggest the property would not adequately function as a dwelling without the scheme. Whilst there may be a minor public benefit associated with screening parked cars, this would not outweigh the harm I have identified.
23. Thus, overall, I find the proposed development would fail to preserve the grade II listed Pheasant Cottage and its setting contrary to the respective sections of the Act and the Framework. For the same reasons the proposal would also conflict with the development plan, particularly Policy CS5 of the CS and Policies RLP2, RLP18, RLP90 and RLP100 of the LPR which taken together seek

² Council reference 06/00524/FUL

to ensure good design generally and that proposals conserve features of historic, architectural or landscape importance.

Conclusion

24. For the reasons given above and taking into account all other matters raised, I conclude that appeals A, B and C should be dismissed.

L Fleming

INSPECTOR