
Appeal Decision

Site visit made on 8 March 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2022

Appeal Ref: APP/C1570/D/21/3282600

Garden Cottage, Bran End, Stebbing CM6 3RP

- 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 Edward Parsley against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1944/HHF, dated 09 June 2021, was refused by notice dated 4 August 2021.
 - The development proposed is described on the application form as 'Proposed Garage.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, including the setting of the Grade II listed building (The Green Man).

Reasons

3. The Green Man is a grade II listed building¹, which is located on the street frontage (Brick Kiln Lane), adjacent to the access serving the appeal site. Under section 66 (1) and section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest. The National Planning Policy Framework (Framework) glossary advises that 'significance derives not only from the asset's physical presence but also from its setting'.
4. The Green Man (C17/C18) comprises a large L-shaped two-storey dwelling which is located in a prominent position on a crossroad. It was formerly a public house and primarily derives its significance from its prominence and historic architectural style. With important features including the traditional roof form, sash windows and red brick chimney stacks.
5. The setting of the listed building includes the land surrounding the building including the appeal site to the rear. The evidence before me indicates that The Green Man was previously set within a relatively spacious plot. This character has changed over time, with the construction of a dwelling to the side of the building (Cherry Tree House). As a result, the gap between these two buildings now provides access to land at the rear of the Green Man, including the appeal

¹ LB Ref: 1112774

site. A detached garage, a recently constructed single storey dwelling (Garden Cottage) and another single storey dwelling (Chestnut Cottage) are all located to the rear. Despite this, when viewed from the street the listed building retains some of its historic open and verdant setting, with views afforded through the access over the appeal site and towards trees to the rear. In this regard, the appeal site currently makes a positive contribution to the setting of the listed building.

6. I accept that the views from the street towards the location of the proposed garage are limited by the narrow nature of the access and the presence of buildings on either side. I also acknowledge that there is a fairly significant distance between the location of the proposed garage and the listed building. Nonetheless, the existing limited views towards the appeal site from the street currently provide a positive contribution to the setting of the listed building.
7. The development would comprise of a relatively large single storey structure which would result in a reduction in the open and verdant character to the rear of the listed building, when viewed from Brick Kiln Lane. This in turn would detract from the prominence of the listed building within the street scene. The fact that the proposed development would be constructed of traditional rural materials does not detract from the harm that would be caused by its siting and scale in this regard.
8. Whilst there is an existing proliferation of buildings to the rear of the Green Man, these buildings are not clearly visible within the street scene (in contrast to the proposed garage, which would be). In addition, whilst there is existing planting to the rear of The Green Man, which has a screening effect to the rear, it is the visual impact from the street scene at the front of the building which is where the visual harm would be most pronounced.
9. I therefore find that the proposed development would fail to sustain or enhance the setting of the listed building. As such, it would conflict with saved Local Plan² Policy ENV2, which states in part that development affecting a listed building should be in keeping with its scale, character and surroundings.
10. In terms of character and appearance more generally, the character of development within and surrounding the appeal site is relatively varied, with different architectural styles and materials adopted. However, within and directly adjacent to the appeal site most of the buildings are single storey, including the existing cart lodge, Garden Cottage and Chestnut Cottage. These buildings are all located in fairly close proximity to one another.
11. The proposed development would introduce an additional single storey building in close proximity to Garden Cottage (the host property). The scale of the building in relation to the host property would be excessive. The appellant acknowledges that it would result in a 42% increase when compared to the footprint of the original dwelling and detached garage. Furthermore, the height of the building is only slightly lower than that of the host property. As such, the proposed development would have a dominant and pronounced visual impact when viewed in relation to the host property. There is a cart lodge of a similar appearance and scale nearby, however this is located further away from Garden Cottage than the proposed development would be.

² Uttlesford Local Plan – Adopted January 2005

12. As such, the proposed development would have a harmful impact on the character of the host property and surrounding area. It would therefore conflict with saved Local Plan Policies GEN2 and H8, which require in part that development is in keeping with local character and respects the scale of the 'original building', respectively.

Other Matters

13. The proposed development would result in less than substantial harm to the listed building (in the parlance of Framework Paragraph 202). I attach great weight to this harm in accordance with Framework Paragraph 199. Framework Paragraph 202 outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case, the proposed development would provide a safe place of storage for the appellant's classic cars. However, this is not a public benefit and it is therefore not a consideration which outweighs the less than substantial harm.
14. The proposed development would also conflict with Framework Paragraph 130, which states in part that development should be sympathetic to local character. This weighs further against the proposal.
15. The appellant has questioned whether the planning officer or conservation officer visited the site. Regardless of whether this is the case, this appeal decision is based partly on my observations during a site visit. As such, whether or not the Council's Officers visited the site has no bearing on my conclusions.
16. The appellant has referred to three planning permissions³ granted by the Council for the existing cart lodge adjacent to the appeal site, Garden Cottage and Cherry Tree House. However, the fact that these permissions have been granted does not justify the harm which the proposed development would cause. Indeed, I have found that the appeal site makes a positive contribution to the setting of the listed building and the fact that there are other recent developments nearby does not detract from the role which the site currently plays in this regard.
17. The appellant has referred to the SPD for Home Extensions⁴. However, for the reasons already outlined, the proposed development would be harmful to the character and appearance of the area. The SPD does not provide any support for the development to the contrary of this conclusion.

Conclusion

18. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Luke Simpson

INSPECTOR

³ UTT/1586/07/FUL, UTT/1102/09/FUL, UTT/18/2474/FUL

⁴ Supplementary Planning Document- Home Extensions: Adopted November 2005