
Appeal Decision

Site visit made on 1 April 2022

by Steven Hartley BA (Hons) Dist.TP(Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 13TH April 2022

Appeal Ref: APP/Z1510/Y/21/3286842

Lantern Cottage, Cole Green, Belchamp St Paul CO10 7BS

- 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 Janey Auchincloss (Janey Auchincloss Designs) against the decision of Braintree District Council.
 - The application Ref 21/02386/HH, dated 28 July 2021, was refused by notice dated 4 November 2021.
 - The development proposed is the construction of an 8 x 3.5m outdoor swimming pool in the rear gardens of Lantern Cottage with attendant timber housing for plant equipment.
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Decision

1. The appeal is allowed, and outline planning permission is granted for the construction of an 8 x 3.5m outdoor swimming pool in the rear gardens of Lantern Cottage with attendant timber housing for plant equipment, in accordance with the terms of the application ref 21/02386/HH, dated 28 July 2021, subject to the following conditions: -
 - i. The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following submitted and approved plans: location plan; block plan; cross section of the pool; details of the proposed plant room and the proposed site plan.
 - ii Prior to the installation of the surrounds to the pool and the installation of the external cladding to the pool room, the details shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matters

2. In February 2021, the Council adopted the Braintree District Shared Strategic Section 1 Plan (LP) which superseded policies CS1, CS4, CS9 and CS11 of the Braintree District Council Core Strategy 2011 (CS). The local planning authority (LPA) has referred in its decision notice to the draft Braintree Local Plan,

Section 2 (DLP) which has yet to complete its examination in public and is not therefore an adopted policy document. I therefore afford it limited weight.

3. The application was submitted as a householder planning application and has been determined as such by the LPA. However, the appeal forms are for a listed building appeal (LB). For the avoidance of doubt, I have determined the appeal as a planning appeal and not as a LB appeal.

Main Issue

4. The main issue is whether the proposed development would preserve the setting of the listed building.

Reason

5. Lantern cottage is a two-storey, detached dwelling with rendered yellow painted exterior walls and a thatched roof. It is a grade two listed building and is within the Belchamp St Paul Conservation Area (CA).
6. It has lawned amenity spaces to the front and to the rear and a small mono-pitch, single storey extension to the side. The rear amenity space is level with the ground floor of the house and includes a small patio area against the dwelling. It also includes a gazebo, a wooden garage, a log store and other domestic paraphernalia. The boundary treatment at the rear is wooden fencing to one side and hedging to the other.
7. The National Planning Policy Framework 2021 (the Framework) describes the setting of a heritage asset as *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral'*.
8. The proposed pool would be at the same height as the existing lawned area so that it would not impede views of the LB from the rear amenity space. Moreover, it would not take up the whole of the rear garden area. The boundaries to the rear amenity space would not be changed by the proposed development and the proposed pool room would be of limited height and size, comparable to the other structures currently within the garden. It would be subordinate in scale to the listed building and in this regard would not visually compete with it.
9. The setting of the LB has clearly evolved with the passage of time and currently includes the features which I have noted including the small side extension and a wooden garage; the officer report lists approvals for various extensions and the garage. While the proposal would introduce more development in this rear garden environment, the setting of the listed building would not be experienced in a materially different way to how it is currently experienced in spatial and visual terms.
10. I consider that the introduction of a small outdoor pool would suitably continue the evolution of the site, and given its limited size, position and height, would have a neutral effect upon the setting of the LB.

11. Therefore, I conclude that the proposed development would preserve the setting of the LB and hence would accord with policy SP7 of the LP, policies RLP90 and RLP100 of the Braintree District Local Plan Review 2005, and chapter 16 of the Framework, all of which, amongst other things, aim to preserve or enhance the settings of listed buildings.

Other matters

12. The proposed development is within the CA, characterised in the vicinity of the appeal building mainly by two storey properties, often located around a grassed open area which has the appearance of a village green. Gardens and amenity areas have a verdant appearance. The proposed development would be largely unseen from the public realm and as such, it would not be contrary to the preservation or enhancement of the CA.

Conditions

13. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty. I have imposed a materials condition in the interests of good design.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Steven Hartley

INSPECTOR