



Appeal Decision

Site visit made on 22 March 2022

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th May 2022

Appeal Ref: APP/C1570/W/21/3278459

The Kings Head Inn, High Street, Stebbing CM6 3SF

- 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 Jon Wright against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1167/FUL, dated 31 March 2021, was refused by notice dated 26 May 2021.
 - The development proposed is erection of 1 no. new dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) has been published and I have therefore taken it into account in my decision. Both main parties have had the opportunity to comment on the implications for the appeal and I am satisfied that no interested party has been prejudiced by my approach.

Main Issues

3. The main issues are the effects of the proposed development on the:
 - character and appearance of the area bearing in mind it would be within the Stebbing Conservation Area and within the setting of the grade II listed Kings Head, High Street.
 - Living conditions of the residents living nearby and future occupants of the proposed dwelling with particular regard to outlook and privacy.

Reasons

Character and appearance (including heritage assets)

4. The appeal site is a grade II listed former public house and associated land which has been converted to a dwelling and its domestic garden (the Kings Head) within the Stebbing Conservation Area (CA).
5. 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. The same act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Furthermore, paragraph 199 of 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.

Significance

6. The CA covers a number of interconnected built-up areas which sit above the valley of Stebbing Brook in a rolling agricultural landscape. There are a variety of traditional buildings some of medieval origin, many are timber-framed and the buildings are finished in a variety of traditional local materials. Insofar as is relevant to this appeal the significance of the CA derives from the variety of traditional architecture and the positioning of the built form in the rural landscape.
7. The Kings Head is a grade II listed former Inn which was originally related to the Whitehart Farm complex and is positioned close to the High Street pavement edge. It is C16, with alterations, mainly two-storey, timber-framed, plastered and panel pargetted. It has a full-length jetty along its elevation facing the road. It also has a hipped red plain tile roof and some casement and some sliding sash windows. Insofar as is relevant to this appeal the significance of the listed building is founded on its historical use as an Inn associated with a farmstead, its associated positioning in relation to surrounding historical buildings and the landscape and its traditional architectural detailing.

Effects of the Scheme on Significance

8. The proposal would involve the erection of a large one and a half storey dwelling behind the Kings Head. An appeal was dismissed in 1996¹ for a scheme including two detached dwellings in a similar location to the proposal before me. That Inspector found at that time, that despite the presence of a piece of play equipment and a modern agricultural building on neighbouring agricultural land the garden formed a pleasing open back drop to the Kings Head and noted this was evident in terms of north easterly views from High Street. That Inspector concluded among other things that that scheme would harm the setting of the Kings Head and harm the character and appearance of the CA.
9. I accept the proposed dwelling would have a smaller footprint and would not be as tall as the Kings Head. I note the appeal site would be excavated to allow the dwelling to be set down into the plot. I acknowledge the proposal would be finished with traditional weatherboarding and clay tiles. I also note that the majority of the existing trees and landscaping within the site would be retained and there would be additional tree and hedge planting. I also acknowledge the attempt to reduce the scale of the proposal in response to similar schemes which were refused planning permission by the Council.
10. I have also considered the historical maps showing a building was once located to the rear of the Kings Head and note the attempt to make the proposed dwelling appear in the style of an outbuilding. I also note the comment that the land where the proposed dwelling would be sited may have historically been subdivided from the public house.

¹ Appeal Reference T/APP/C1570/A/96/268019/P8

11. However, even with the site levels lowered, the proposed dwelling would still be visible through glimpsed views from High Street, particularly, between the Kings Head and Town Farmhouse. It would be noticeable behind the Kings Head, filling an otherwise mainly undeveloped gap between the Old Dairy and a large shed used for equestrian purposes and would remain visible above and through gaps in the retained and any additional landscaping, particularly its expansive roof with large dormer windows. The proposed large I-shaped building with large dormer windows would not have the appearance of an outbuilding, instead appearing as a large executive style house, squeezed into the corner of the plot with limited space between it and the Kings Head.
12. Thus, I find the proposal, through its scale positioning and modern domestic design, would have a bulky and cramped appearance, which would erode the spacious quality of this part of the CA and would draw attention away from traditional buildings which surround the space which would be filled by what would be an incongruous feature of this part of the CA.
13. In reaching these conclusions, I note the Council's relevant Conservation Area Appraisal identifies an important view of the existing flint and brick wall is a key feature of the relevant zone and the proposed dwelling would be introduced into that view. However, this does not directly relate to the harm I have identified above, there would be no effect on this view. Furthermore, the movement of the existing gates towards the existing outbuilding would be of no benefit to the character and appearance of the CA in terms of this view either.
14. I have also noted the comments that a consented scheme allows for a trellis to run between the outbuilding to the west of the plot and to the corner of the main building and that had these works been implemented they would have changed the view through the site. Even if I accept this may soften the scheme, it would not screen it from view. Furthermore, I note the entrance gates would also offer some screening, however, these would also not completely screen the proposal and would not be closed all of the time. I also acknowledge there are other examples of modern development behind traditional buildings on High Street or other streets nearby in the CA. However, none of those examples are before me nor do they have the same characteristics as the appeal site and the buildings which surround it.
15. Turning my attention to the effects on the Kings Head, which I accept has been much altered and its use has evolved. Thus, the plot is now in use as a domestic garden associated with a dwelling. Although the plot would be subdivided as result of the proposals, some of that land would be in use as domestic garden associated with the new proposed dwelling. I do not therefore see any harm arising from the proposed subdivision of the plot for the purpose intended, irrespective of whether or not there was historically an outbuilding previously in the location of the proposed dwelling.
16. However, for the reasons I have given above, the proposed dwelling would be positioned with limited space between it and the grade II listed Kings Head and would result in the introduction of a large building into its current relatively open back drop. Due to its proximity, scale and form, the proposed dwelling would compete with the Kings Head, appearing as a prominent built feature in its background when viewed from High Street and opposite it when experienced from the rear of the listed building (windows or within the remaining private garden areas).

17. Thus, I find the scheme would have an imposing and dominating effect on the listed building, which together with its conflicting incongruous form, would harm its setting and significance. For the reasons given above, I also find the scheme would harm the character, appearance and significance of the CA as a whole.

Living conditions

18. The proposed dwelling would be one and a half storey. Whilst the upper floor windows would face the Kings Head, they would be some distance away and would look out mainly over the proposed parking area and landscape gardens. Any view down into the private garden of the Kings Head would be limited by fencing and landscaping. Views from the Kings Head towards the proposed dwelling would also be over private gardens and parking with intervening landscaping and over a reasonable separation distance. Thus, landscaping, together with the ample separation distances would mean there would be no significant overbearing impacts or opportunities to overlook.
19. For these reasons, I find the proposal would not result in harmful living conditions for future occupants of the proposed dwelling or the occupants of the Kings Head with particular regard to outlook or privacy. Consequently, I find no conflict with Policy GEN2 of the Uttlesford Local Plan (2005) (LP) which among other things seeks to ensure new development does not have a materially adverse impact on the reasonable occupation and enjoyment of any nearby property.

Planning and Heritage Balance

20. The combined harm I have identified to the significance of both designated heritage assets would be less than substantial. In which case paragraph 202 of the Framework requires it to be weighed against the public benefits of the proposed development.
21. The proposal would provide a new dwelling suitable for family occupation. That home would be in an area where it is undisputed that the Council is currently only able to demonstrate 3.11 years deliverable housing land supply some way short of the 5-year supply required. The proposal would meet a need for such accommodation in the area.
22. There would be economic benefits associated with construction as well as benefits to the local economy through additional labour force and local expenditure. The dwelling would be in a service centre where services and facilities could be easily accessed. There would also be ecological benefits associated with the proposed landscaping. However, all these benefits combined, although significant are insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage assets.
23. In reaching these conclusions I have noted the comments with regard to the Council's handling of proposals relating to the appeal site. However, I can confirm I have assessed the scheme on its planning merits. I have also noted the reference to the nearby grade II listed White Barns and Town Farmhouse in the Council's evidence. However, the Council have not alleged any harm to these designated heritage assets and due to the separation distances intervening features and the relatively indirect relationship with the appeal site,

I also find no harm to the setting or significance of these designated heritage assets.

24. Nevertheless, overall, for the reasons given the appeal scheme would harm the character and appearance of the area, the character and appearance and significance of the CA and the setting and significance of the grade II listed Kings Head and that harm is not outweighed by public benefits. Thus, the scheme is in conflict with paragraphs 199 and 202 of the Framework and fails to accord with Policies GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (2005) which taken together seek to ensure good design generally and that proposals do not harm heritage assets.

Conclusion

25. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR