



Appeal Decision

Site visit made on 14 June 2022

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 18th July 2022

Appeal Ref: APP/C1570/Y/22/3291245

5 The Street, Manuden, Bishop's Stortford, Hertfordshire CM23 1DD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a grant of listed building consent subject to conditions.
 - The appeal is made by Mr John Conder against the decision of Uttlesford District Council.
 - The application Ref: UTT/21/2699/LB, dated 17 February 2021, was approved on 1 November 2021 and listed building consent was granted subject to conditions.
 - The works permitted is single storey side extension.
 - The condition in dispute is No 2 which states that: Prior to any of the development hereby permitted is commenced, details of all materials including a flint sample board to be used in the external finishing of the extension shall be submitted and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
 - The reason given for the condition is: To ensure the appearance of the proposed development will reflect with the character of the surrounding locality in accordance with policy ENV1 of the adopted Local Plan.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are whether the removal of the disputed condition would preserve a Grade II listed building, 'Manuden Cottage' (Ref:1233998), and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Manuden Conservation Area (MCA).

Reasons

4. The appeal building is one of a number of dwellings that were listed together in 1980. The buildings consist of six pairs of semi-detached cottages which the listing dates to 1857. They were built by J Thomas and have simple rectilinear forms with slightly oversailing upper floors and pitched roofs. The ground floor external walls consist of red brick and the oversailing upper storeys are plastered.

5. The special interest of the listed buildings, insofar as it relates to this appeal, lies in their group value as a cluster of 19th century rural dwellings of consistent form and materials. A number of the dwellings have single storey side extensions, some of which are clad in flint panels. Whilst these are associated with a later construction phase, they nevertheless embody the use of traditional materials which contributes to the historic vernacular architecture of these modest dwellings. The appellant's heritage statement describes them as model workers cottages constructed by John Thomas Esq. to improve the views from Manuden House. As such the uniform architecture and use of common materials are of particular importance as this contributes to their historic legibility as model cottages.
6. The site lies within MCA, the significance of which lies in its historic vernacular architecture and the use of traditional materials. The appeal property is positioned within the historic core of the village which is arranged in a linear fashion along the main thoroughfare. This is flanked by a high density of buildings of significant, historic architectural interest. The majority front directly on to the road and make a significant contribution to the historic street scene. The older historic buildings are timber-framed and plastered with more recent ones having been constructed from brick. Both brick and flint have been used to construct historic boundary walls in the northern part of the MCA and are clearly part of the historic palette of traditional construction materials. Since the appeal building is part of a series of cottages that form a prominent part of the historic street scene, it provides a positive contribution to both the character and the appearance of the MCA.
7. The site benefits from planning permission for a single storey side extension, with a similar form and scale to the side extensions of other cottages. Condition 2 requires the external finishing of the extension to be constructed in flint panels, the details of which are to be agreed with the Council. The Appellant is seeking this condition to be removed to enable the side extension to be clad in red brick and render above the door to match the materials of the host building.
8. The side extension of the adjoining property at No 7 The Street (No 7) is clad in red brick to its roof level. However, a number of the other side extensions in the group of semi-detached cottages, including the pairs of dwellings either side of the appeal building, have been clad in flint and red brick at ground level, with render above the door level. While there are other brick clad extensions elsewhere in the group, from my observations during the site visit, they appear less prominent than the extension at No 7.
9. The red brick side extension of No 7 has diminished the historic legibility of the group of dwellings at this end of the street and has eroded their traditional architectural form and its well-preserved uniformity of expression. However, the removal of Condition 2 would further erode the historic architectural form of this group of dwellings, particularly given that the pairs of semi-detached dwellings on either side of the appeal building have side extensions of flint and red brick.
10. I accept that the use of red brick and render on the permitted extension would echo the red brick extension of the adjoining building. However, while it would result in a degree of symmetry between the pair, it would nevertheless lead to an incongruent departure from the predominant and consistent use of brick and

flint in the construction of the listed group when taken as a whole. The removal of condition 2 would therefore detract from the special interest of the listed building.

11. I note the evidence regarding the stability of flint as a building material. However, the extent of flint required would be limited, and Condition 2 requires details of the flint to be submitted and agreed with the Council. Therefore, this matter has not altered my overall decision.
12. I also note the evidence regarding the authenticity of the use of flint on the cottages and that flint is not included in the listing description. However, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest. Moreover, its use on a number of the side extensions as well as on boundary walls reflect their historic phasing whilst contributing to a consistent identity of the group as a whole. The use of flint also makes a wider contribution to the significance of the MCA as a traditional material.
13. Given the above, I find that the removal of Condition 2 would fail to preserve the special interest of the listed building and the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
14. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have a clear and convincing justification. Given the limited extent of the works that would result from the removal of Condition 2, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
15. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant has not highlighted any public benefits that weigh against the harm that would be caused. In any event, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence. In the absence of any substantiated evidence to the contrary neither would any public benefits accrue in relation to the MCA.
16. Given the above and in the absence of any defined public benefit, I conclude that, on balance, the removal of Condition 2 would fail to preserve the special historic interest of the Grade II listed building and the character and appearance of the MCA. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with Policies ENV1 and ENV2 of the Uttlesford Local Plan Adopted 20 January 2005 that seeks, among other things, to preserve or enhance the character and appearance of the essential features of a Conservation Area, and resist alterations that impair the special characteristics of a listed building. As a result, the proposal would not be in accordance with the development plan.

Other Matter

17. I note the history of the building and the various interventions undertaken by the Appellant and the history of workers cottages in general. However, given the harm identified above, these matters have not altered my overall decision.

Conclusion

18. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR