



Appeal Decision

Site visit made on 14 June 2022

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

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2022

Appeal Ref: APP/C1570/W/21/3286969

The Dairy, Grange Green, Tilty, Dunmow, Essex CM6 2EQ

- 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 Chris Christou against the decision of Uttlesford District Council.
 - The application Ref: UTT/21/2852/HHF, dated 06 September 2021, was refused by notice dated 15 November 2021.
 - The development proposed is erection of part front ground floor extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant disputed whether the appeal property is curtilage listed during the course of the appeal. The Council maintains that it is listed because it forms part of a historic complex of converted farm buildings associated with Tilty Grange. The appellant has since accepted this to be the case. No application has been made for listed building consent and this appeal is consequently concerned with the refusal of an application for planning permission. This is the basis on which this appeal has been determined.
3. As the proposal relates to a curtilage listed building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are:
 - whether the proposal would preserve a Grade II listed building, 'Tilty Grange' (Ref: 1169130) and any of the features of special architectural or historic interest that it possesses including historically associated curtilage structures; and
 - the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of a nearby Grade II listed building, 'Seven Bay Barn' (Ref: 1112184).

Reasons

Tilty Grange

5. The principle building, Tilty Grange is a timber framed and rendered building with red plain tile roof and was Grade II listed in 1952. The list description dates the

building to the early 16th century. The listed building is part of a former farmstead that includes the agricultural buildings to the northwest including the appeal building and Seven Bay Barn.

6. The Council has stated that the footprint of the farm buildings is shown on nineteenth century mapping grouped around three courtyards. Listed building consent for the conversion of the farm buildings to form residential dwellings was granted in 1995, and I note that the other buildings in the historic complex of farm buildings have varying heights, design and finishing materials. However, the footprint and form of the former farm buildings, including the appeal building, retain their agricultural character and legibility in plan form.
7. Therefore, given the limited degree of change of the form and footprint of the former farm buildings, the historic and evidential value of Tilty Grange lies, in part, in its traditional form as well as the historic layout and footprint of the former farm buildings which speak to its historic, agrarian role.
8. As such, the special interest of the listed building, insofar as it relates to this appeal, is associated with the footprint and form of the former farm buildings and their ancillary, visual relationship to the principal building.
9. The single storey height and simple rectilinear forms and layout, that together constitute the appeal dwelling, give rise to a utilitarian agricultural character that is supported by the spaciousness and access at the front of the dwelling. Furthermore, the gable end of the existing wall, which is proposed to be altered, is currently set back from the front elevation of the dwelling which currently retains the historic courtyard layout of the curtilage buildings.
10. The proposed extension would project a significant distance beyond the front elevation of The Dairy. Its projection beyond the front elevation would detract from the courtyard layout of the former farm buildings and would unduly diminish the spacious agricultural character of the access to the site. Given its prominent location within the site, the extension would appear incongruous particularly when entering the site. The proposal would also result in some loss of the fabric of the building. Therefore, the proposed extension would harm the special interest of Tilty Grange.
11. The proposed materials would match that of the existing building. The profile of the roof would also echo the pitch of the roofs of the existing building. Although the main entrance and porch of the dwelling project beyond the front elevation, they are set in a discreet position in relation to the other buildings. In contrast, the proposed extension would be in a prominent location at the corner of the building facing the access to the site and would project further than the porch. The proposed extension would therefore erode the historic architectural form and footprint of the former farm buildings to a greater degree than the porch.
12. The proposed hipped roof would appear discordant against the gabled ends of the single storey structures in the wider site. In addition, the proposed triangular window would harmfully contrast with the traditional windows and otherwise uninterrupted roof. These aspects would detract from the agricultural character of the buildings, resulting in harm to the special interest of Tilty Grange. Although the Appellant has offered to omit the triangular rooflight, this would not alter my finding on this main issue.

13. Given the above, I find that the proposal would fail to preserve the special interest of Tilty Grange.

Setting of Seven Bay Barn

14. Seven Bay Barn was listed in 1981 and the listing dates the building to the early 17th century. It is a two-storey timber framed structure with weatherboard and render cladding and tiled roof. Its size and form are indicative of its historic use as a barn as part of the Tilty Grange farm complex. Moreover, the erection of Seven Bay Barn in the late 17th century attests to the success and wealth of the wider farmstead of Tilty Grange.
15. The appeal building, The Dairy, lies in close proximity to Seven Bay Barn which can be clearly seen from the front of the appeal building. Given the difference in scale between Seven Bay Barn and the single storey structures that comprise The Dairy, and the layout of the buildings around courtyards, the hierarchy and legibility of the former farm buildings and their historic functional relationship is clearly evident and speak to their former agricultural uses.
16. Given the appeal building's footprint, rectilinear form, scale, materials and fenestration, it retains an agricultural character and legibility as part of the wider farmstead that was associated with Seven Bay Barn and Tilty Grange.
17. The historic and evidential value of Seven Bay Barn therefore lies in the evidence of past patterns of use and illustrate the evolution of the former barn buildings that were part of Tilty Grange.
18. Given the above, the form and footprint of the appeal building provides an important setting to Seven Bay Barn which contributes directly to its special interest as an example of a prominent barn structure that contributes to the historic legibility of this farmstead.
19. The extension would project beyond the front elevation of the dwelling by a significant distance. This projection would impact the view of the building when approaching the site and diminish the spacious quality of the area to the front. Therefore, although the eaves and ridge height of the proposal would match that of the flank elevation, the projection of the building significantly forward of the front elevation of the dwelling would disrupt the legibility of the building particularly when viewed from the access and front of the site. This would detract from the way Seven Bay Barn is experienced from the front of the appeal building and would therefore harm its special interest.
20. Consequently, the proposal would fail to preserve the character and appearance of the local area and would erode the setting of Seven Bay Barn thereby causing harm to its special interest.

Planning balance

21. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development 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 or from development within their setting and that this should have a clear and convincing justification. Given the limited scale of the works, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

22. 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. No public benefits have been identified by the appellant although a number of private benefits have been identified which I will discuss later in this decision.
23. Given the above and in the absence of any defined public benefit, I conclude that, on balance, the proposal would fail to preserve the setting of Seven Bay Barns and would also fail to preserve the significance of Tilty Grange. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with Policy ENV2 of the Uttlesford Local Plan Adopted 20 January 2005 that resists, among other things, proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building.
24. The proposal would also conflict with Policies S7, GEN2 and H8 of the Uttlesford Local Plan Adopted January 2005 (LP) which seek to protect the character of the countryside, development that is compatible with the layout of the surrounding buildings and extensions that respect the scale and design of the original building. As a result, the proposal would not be in accordance with the development plan.

Other Matters

25. I acknowledge the family circumstances of the Appellant. The Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have had due regard to the PSED in my assessment of this appeal.
26. However, there is little substantiated medical evidence before me nor any consideration of alternatives in terms of altering the use of adjacent rooms that would avoid harm to the special interest of the listed buildings. Therefore, this matter has not altered my overall decision.
27. I note the listed building consents and planning permissions for other dwellings including those that form part of Seven Bay Barn. However, since those proposals are in different locations in relation to Tilty Grange and Seven Bay Barns, they are consequently not directly comparable to this appeal scheme.

Conclusion

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

R Sabu

INSPECTOR