



Appeal Decision

Site visit made on 7 November 2022

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 28th November 2022

Appeal Ref: APP/C1570/D/22/3304408

6 Star Mead, Thaxted, Essex, CM6 2NF

- 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 & Mrs Sam Precious against the decision of Uttlesford District Council.
 - The application Ref UTT/22/1045/HHF, dated 14 April 2022, was refused by notice dated 27 May 2022.
 - The development proposed is proposed two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: -
 - The effect of the proposal on the character and appearance of the site and surrounding area; and: -
 - Whether the proposal would preserve or enhance the character or appearance of the CA.

Reasons

3. The appeal site fronts onto Star Mead, a residential cul-de-sac within the town of Thaxted. Star Mead lies within the CA. The site lies to the rear of Thaxted Baptist Chapel, a Grade II listed building.

Character and appearance of the site and the surrounding area

4. Star Mead is a short residential cul-de-sac fronted by two storey detached dwellings of relatively modern appearance. The dwellings are set back off the road behind modest front gardens and incorporate attached garages which project forward of the main dwelling façade. Although some of the dwellings have been extended, they retain projections forward of the main façade at ground floor level and the original form of the buildings is evident in each case. Fenestration of the dwellings exhibits a horizontal emphasis. The appearance of 6 Star Mead (No 6) is generally consistent with its neighbours, albeit that it differs in minor details of design, including the addition of rooflights to the main roof slopes. Whilst the architecture of the buildings is unremarkable, the group of dwellings has a commonality of design that contributes strongly to the character and appearance of the cul-de-sac.

5. The proposal would create a two-storey extension set forward of the main façade of the dwelling. This would incorporate two rooflights and a gable featuring a large apex window in the upper storey.
6. This projecting extension would, by virtue of its scale and form, be a bulky, incongruous addition to the dwelling, out of character with the host dwelling and its neighbours.
7. The large apex window would also be an incongruous feature, with a verticality out-of-keeping with the otherwise horizontal rhythm of glazing of the host dwelling and the other dwellings in Star Mead. Further, the ratio of solid to void on the gable end would be out of keeping with that of the host dwelling.
8. The Council considers the rooflights on the proposal to be superfluous, as there are other windows serving the room concerned. Given the existence of the existing rooflights on No 6, albeit that none are in evidence elsewhere in Star Mead, these would replicate an existing feature of the host dwelling and not look out of place on it.
9. Whilst it is not an absolute requirement that extensions are subsidiary to the host dwelling, taken overall, the design of the extension would add a bulky, discordant addition to No 6, incongruous with the host dwelling and its neighbours. This would undermine the sense of consistency and commonality of design that I have identified above. The incongruity would be apparent to anyone within the public realm of Star Mead and neighbours.
10. The proposal would use materials reflecting those of the existing building and others in Star Mead and this could be secured by an appropriately worded planning condition. However, this would not alter the fundamental design of the proposal such that it would overcome the harm that I have identified. The appellant has stated that solar panels, a power storage facility, above specification insulation and charging points for electric vehicles would be installed. Whilst this would reduce the environmental impacts of the dwelling there is no evidence before me that these could not be provided without the extension.
11. The appellant argues that the proposal would enhance the standard of accommodation provided by No 6. However, there is no evidence before me to demonstrate that the development is necessary to provide an acceptable level of amenity for the occupiers.
12. The appellant has identified various examples of features used in buildings in the wider area that would be incorporated in the proposed development. These are some distance from the Appeal site and do not directly inform the context of the site. I have, in any case, determined this Appeal on its own individual merits.
13. I therefore find that the development would cause material harm to the character and appearance of the site and surrounding area. It would, therefore, be contrary to Policies H8 and GEN2 of the Uttlesford Local Plan (2005) -the Local Plan - in as much as these policies jointly, amongst other things, require new development, including extensions, to respect the scale and design of the original building and to be compatible with the scale, form, layout and appearance of surrounding buildings

Character and appearance of the CA.

14. I have been provided with a copy of the Thaxted Conservation Area Appraisal and Management Proposals (2012) (the CA Appraisal). This identifies that the appeal site lies in Area 2 of the CA. The significance of the CA, in so far as it relates to this appeal, derives from its evidential, historic and aesthetic value found in the authenticity of its vernacular architecture and rich mix of period and vernacular buildings, including many which are listed, within a historic townscape. The particular character and appearance of the CA within Area 2 is identified as being more open and dispersed with important Listed Buildings frequently being individual and free standing as opposed to the contiguous terraces that characterize Area 1. Star Mead is mentioned in as much as its entrance is in an important location in need of enhancement. It is identified that the CA includes more recently built buildings which contribute to the CA, but the dwellings in Star Mead are not specifically identified as contributing, positively or negatively.
15. There are limited views into Star Mead from the wider public realm and there is limited visual connection with the most significant features of the CA.
16. Given the lack of intervisibility and the visual containment of Star Mead the proposal would not appear in direct visual comparison with the important or significant features of the CA. Therefore, in this case, the proposed development would not result in harm to the significance of the CA and, when taken as a whole, there would be no harm to its character or appearance.
17. I therefore find that the development would preserve the character and appearance of the Thaxted Conservation Area. The proposal would thus comply with the expectations of the Planning (Listed Buildings and Conservation Areas) Act 1990. Further, it would be in accordance with the aims of Policy ENV1 of the Local Plan in as much as this requires new development to preserve or enhance the character and appearance of the essential features of the CA.

Other Matters

18. Thaxted Baptist Church occupies a constrained plot and is surrounded by other buildings. It has been extended to the rear, and its principal elevation faces Park Street. The detailed listing identifies the principal features of importance of the building as the front façade and roof. The Council considers that the proposed development would not have an adverse impact on the setting of the listed building because of the distance between the two. From the information before me I have no reason to disagree with this view.
19. My attention has been drawn to a recent planning permission (Council Ref UTT/22/1693/HHF), which could be implemented, to provide a two storey extension to No 6 and I consider that the permitted scheme has a good likelihood of implementation as an alternative to the proposal before me.
20. That proposal has the two storey element of the extension set back behind the existing façade of No 6 and a reduced ridge line. A single storey element is proposed. The fenestration would retain the horizontal emphasis, as the proposal does not contain an apex window and thus does not introduce fenestration with a dominant vertical axis. Thus the permitted scheme would relate more positively to the important characteristics of the site and surrounding area and not result in the harm that I have identified.

21. The statutory protection granted heritage assets under the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. However, I have found that the proposal would preserve the character or appearance of the essential features of the CA.
22. Whilst predating the National Planning Policy Framework (2021), the policies most relevant to this Appeal, which I have those identified above against which I have considered the proposal, are in close conformity with the aims of Sections 12 and 16 and therefore carry significant weight.
23. The development would provide benefits in terms of increasing the energy efficiency of the building. However, similar benefits could be provided for the dwelling without the extension and the resultant harm to the CA. There would be likely minor benefits to the local economy in terms of short term employment in the construction industry. Such benefit, however, would be limited by the scale of the development.
24. The proposal would enhance the living conditions of the occupiers by the provision of additional accommodation; however there is no evidence before me to demonstrate that the development would be fundamental to the enjoyment of the property as a family home.
25. The benefits of the proposal would be of limited weight overall and I have found that the proposal would be contrary to Policies H8 and GEN2 of the Local Plan. The conflict with these policies carries significant weight.
26. Thus, I find that the material harm that would arise from the proposal would not be outweighed by its benefits.
27. The appellant argues that the most recent appraisal of the Thaxted Conservation Area (the CA) was undertaken in 2012, and that the appraisal is, therefore a decade old. The appellant, therefore, considers that the Council has not complied with its statutory duty to maintain an up-to-date assessment of the CA.
28. However, the area is still designated as a conservation area and consequently I am subject to the legal duties required of me by the Planning (Listed Buildings and Conservation Areas) Act 1990. This notwithstanding, when applying this, my assessment focuses on the significance of the designated heritage asset and, in this respect, I note that the Council's appraisal is out of date.
29. I note the appellants concern that the application of the statutory test is over-onerous, given their view that the qualities of Star Mead make its inclusion in the CA questionable. However, even were I to consider the effect of the proposal on the character and appearance of the site and surrounding area without consideration of the protection given by the Planning (Listed Buildings and Conservation Areas) Act 1990, I have found material harm that would be contrary to Policies H8 and Gen2 of the Local Plan in its own right and so this would not alter my decision.

Conclusion

30. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

I A Dyer

INSPECTOR