



Appeal Decision

Site visit made on 21 November 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/C1570/Y/22/3300042

Ruskin, Braintree Road, Dunmow CM6 1HU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Ms Jacqueline Skeggs against the decision of Uttlesford District Council.
 - The application Ref UTT/22/0113/LB, dated 17 January 2022, was refused by notice dated 9 March 2022.
 - The works proposed are described on the application form as: 'Removal of poor quality 1950s single storey extension to allow new double storey extension to abut the heritage asset part of the original house'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council resolved to refuse both listed building consent and planning permission for the proposed works and development. Nevertheless, merely a single appeal against the Council's decision to refuse listed building consent has been submitted. Thus, I shall consider the listed building consent appeal on its own.
3. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires, when considering whether to grant listed building consent, special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I shall have regard to this statutory duty in determining this appeal.
4. A potential revised plan¹ has been submitted at appeal stage. This details a lower proposed roofline and a proposed roof dormer of noticeably reduced size. However, the appeal process should not be used to evolve a scheme and, in the interests of ensuring that no one with a potential interest in the outcome of the appeal is prejudiced, it is important that the plans considered at appeal stage are essentially the same as those considered by the Council at application stage. The revised plan evolves and materially alters the scheme that was refused listed building consent. I thus do not accept the revised plan and shall consider the appeal based on the plans submitted to and determined by the Council.

¹ Ref: RUS-20-PEP-004

Main Issue

5. Whether the works would preserve the Grade II listed building known as 'Ruskin Cottage, East of Ford Farm' (Ruskin) and any features of special architectural or historic interest that it possesses.

Reasons

6. Ruskin is a detached, timber-framed cottage of 18th-century origin that has plastered elevations and red plain tiles to its roof. Ruskin's significance and special interest is drawn, in part, from its age, its traditional materials, and its modest vernacular form that remains appreciable despite 20th-century additions having occurred to the rear. Significance and special interest is thus not solely derived from the property's principal elevation and is further underpinned by the spaciousness of Ruskin's well-planted grounds and the agricultural nature of much of its wider surroundings. These are factors that promote the property being read and understood as a traditional rural cottage.
7. The above referenced 20th-century additions include a single storey rear extension which has a pantile roof and dates to the 1950s, and an adjacent gable-ended two-storey rear extension that dates to the 1970s. Whilst these additions are of limited architectural or historic interest and do not have any heritage value per se, they do not remove the ability for Ruskin's significance and special interest to be interpreted and appreciated.
8. Indeed, although I take no issue with the intended removal of the existing 1950s rear extension, it reads as a subservient enlargement to Ruskin. It connects beneath eaves level and allows the oldest part of the building to remain preeminent. In contrast, the proposed extension would rise to two stories, occupy an enlarged footprint, and step beyond the rear building line of the adjacent two-storey rear extension.
9. Moreover, whilst to be stepped in slightly from the western side elevation of the original part of Ruskin and to have a marginally lower ridge, the proposed extension would overwhelm and conceal the historic core of the property. This would most particularly apply when experienced in conjunction with the two-storey rear extension to be retained. Thus, the scheme would detract from Ruskin's ability to be appreciated and understood as a modest rural cottage. This detracting would be exacerbated by the introduction of unsympathetic features, including a catslide roof and an excessively sized rear roof dormer.
10. I accept that the proposed extension would occupy a relatively discreet location to the rear of Ruskin. Nevertheless, some visibility of it would prevail from Braintree Road. This is especially when noting that planting cannot necessarily be relied upon to provide permanent or substantive buffers to views because planting is ever evolving and reliant upon continual maintenance to retain a consistent form. In any event, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building or any extension to it can be gained. Even if the impact of the proposal may not be particularly obvious from the public realm, a lack of visibility does not equate to a lack of harm.
11. The appellant has set out that the proposal would involve a very limited loss of 18th-century fabric, restricted to the removal of a small section of rear wall. This is based on her assertion that an existing rear-facing dormer and internal

staircase are 1940s additions. Limited supporting evidence has been submitted to establish this position. Nevertheless, even if I were to accept the appellant's stance that a very limited loss of historic fabric would be necessitated, it remains that the proposed extension, by virtue of its excessive scale and unsympathetic form and design would cause harm to the listed building's heritage significance and markedly undermine its legibility as a cottage reflective of the local vernacular.

12. For the above reasons, the proposal would fail to preserve Ruskin and features of special architectural or historic interest that it possesses. The degree of harm that would be caused to the significance of the listed building would, in the terms of the National Planning Policy Framework (July 2021) (the Framework), be less than substantial. Paragraph 202 of the Framework requires less than substantial harm to be outweighed by public benefits.
13. It has been put to me that the existing 1950s extension to be replaced is in a poor state of repair and a sagging timber beam has been specifically drawn to my attention. Whilst the scheme would be anticipated to lead to structural issue(s) being rectified, it has not been clearly demonstrated that such remedial actions are dependent upon a replacement extension being built. In this context, any public benefit to be drawn from improving the structural integrity of a designated heritage asset attracts limited weight.
14. Similarly, any water ingress via the existing rear dormer could be prevented in isolation of new development. Thus, any associated public benefit to be derived from improving the integrity of the building in this sense attracts limited weight. I also note that, whilst the flat-roofed rear dormer has been described by the appellant as having no architectural interest, a high-level flat-roofed element comprises part of the proposal. As such, no potential benefit in architectural or visual terms would be drawn from the rear dormer's intended removal.
15. The proposed extension would be built to meet Building Regulations and would thus achieve an enhanced standard of insulation when compared to the existing 1950s extension to be replaced. However, given the somewhat modest scale of development under consideration, any public benefit to be drawn from a reduction in carbon emissions would be modest and attractive of limited weight. Whilst the proposal would provide increased/enhanced living and storage space at the property, such improvements would ultimately satisfy the private needs and wishes of the appellant and offer no clear or substantive public benefit.
16. Thus, in the circumstances of this case, the scheme's public benefits, even when considered in cumulative terms, would be limited, and would not outweigh the harm I have identified. It must be noted that even less than substantial harm to a designated heritage asset carries considerable importance and weight.
17. The proposal fails to accord with the historic environment conservation and enhancement policies contained within the Framework and conflict also arises with saved Policy ENV2 of the Uttlesford Local Plan (adopted January 2005) in so far as this policy sets out that alterations that impair the special characteristics of a listed building will not be permitted.

Conclusion

18. For the above reasons, I conclude that the appeal should fail.

Andrew Smith

INSPECTOR