



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: 02 December 2022

Appeal Ref: APP/C1570/W/22/3297195

Watch House Cottage, Bannister Green, Felsted CM6 3NQ

- 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 Stephen Rolfe against the decision of Uttlesford District Council.
 - The application Ref UTT/21/3637/HHF, dated 7 December 2021, was refused by notice dated 1 February 2022.
 - The development proposed is described as: 'Planning permission sought to retain a swimming/lap pool which has been constructed within the garden curtilage of Watch House Cottage (Grade II Listed). The pool is for domestic use incidental to the enjoyment of the dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The swimming/lap pool applied for (the pool) is already in place, such that I shall consider the appeal on a retrospective basis. The pool is situated within the curtilage of Watch House Cottage, a Grade II Listed building. I have thus had regard to the statutory duty that applies under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires special regard to be had to the desirability of preserving the building, its setting, and any features of special architectural or historic interest that it possesses.

Main Issues

3. The main issues are:
 - The effect upon the character and appearance of the area, bearing in mind the special regard that should be paid to the desirability of preserving the setting and thereby the significance of the Grade II Listed Watch House Cottage (the Cottage); and
 - The effect upon an off-site protected tree.

Reasons

4. The Cottage is a 16th-century, one and a half storey, timber-framed dwelling located within the village of Bannister Green. The significance and special interest of the Cottage is drawn, in part, from its age, its traditional materials, its architectural interest that is expressed through an array of original features

not limited to its principal elevation, and from its relevance to the rural history and evolution of the village.

5. Historic mapping dating to the 19th-century indicates that Bannister Green once comprised a loose collection of buildings that included several farmsteads. Whilst it once occupied an inherently rural location, the Cottage, by virtue of various 20th-century developments, is now neighboured by residential development to all its sides. Indeed, the Cottage is now visually and functionally severed from the surrounding countryside.
6. Prior to the pool's installation, the Cottage's private garden would have offered a distinct sense of openness and performed an important role offering space within which the asset could be readily understood and appreciated as a traditional cottage of rural origin. This applies despite domestic influences beyond the site's perimeter and within the asset's grounds, which include flowerbeds and a small number of outbuildings. Moreover, the garden comprises an integral part of the Cottage's setting.
7. The pool covers a considerable footprint, its length exceeds that of the Cottage, and the raised nature of its external walls promotes prominence and visibility. Upon inspection, glimpsed views of the pool were obtainable from various publicly accessible vantage points located to the north of the site. The pool is read and experienced as an inherently modern addition to the site that sits uncomfortably alongside a vernacular building of traditional construction and design. It unacceptably dominates the Cottage's setting and quite evidently lessens its ability to be appreciated and enjoyed so as to detract from the character and appearance of the locality.
8. Whilst reference has been made to the garden being well screened by laurel hedging, at no point along its boundary with the highway does planting provide an especially thick or reliable screen to views. It must be noted also that existing and/or additional planting could not necessarily be relied upon to provide permanent or substantive buffers to views. This is not least because planting is ever evolving and reliant upon continual maintenance to retain a consistent form.
9. The walling to the pool's edges is finished with a cream-coloured render in the interests of providing assimilation with the Cottage. It has also been suggested that grey-coloured slate tiling installed to the top edge of the pool's walling and steps (to match the roof finish of a nearby summerhouse) could be replaced with a terracotta alternative to seek to tie in with the materiality of the Cottage, and that a green-coloured covering could be applied to the pool to soften its appearance (presumably in the context of a verdant garden). However, these measures have/would have a negligible effect and do not/would not disguise that the pool resembles an unsympathetic, domineering, contemporary addition to the Cottage's setting.
10. For the above reasons, I consider that the pool has caused harm to the character and appearance of the area and failed to preserve the setting and special interest of the Grade II Listed Cottage, causing harm to its significance as a designated heritage asset. In the terms of the National Planning Policy Framework (July 2021) (the Framework), I would qualify that the degree of harm to the Cottage as a designated heritage asset is less than substantial. Paragraph 202 of the Framework requires less than substantial harm to be outweighed by public benefits.

11. The pool ultimately satisfies the private needs and wishes of the appellant and offers no substantive public benefits. It has not been clearly demonstrated otherwise. Thus, in the circumstances of this case, any public benefits do not outweigh the harm identified. Indeed, even less than substantial harm to a designated heritage asset carries considerable importance and weight.
12. The scheme fails to accord with the historic environment conservation and enhancement policies contained within the Framework. Conflict also arises with saved Policies S3, GEN2 and ENV2 of the Uttlesford Local Plan (adopted January 2005) (the Local Plan) and Policy FEL/ICH1 of the Felsted Neighbourhood Plan (made February 2020) in so far as these policies require development to be compatible with the settlement's character and, where affecting a listed building, to be in keeping with its scale, character and surroundings.

Off-site protected tree

13. A single Walnut tree is recorded as being protected by virtue of a Tree Preservation Order confirmed in 1984. The plan that accompanies the Order indicates this tree to be situated in neighbouring garden land located to the south of the appeal site.
14. Following my on-site inspection, I am unable to verify with any degree of certainty that a Walnut tree no longer occupies neighbouring garden land as asserted by the appellant. However, I was able to observe the location, scale and form of neighbouring planting and the relationship that exists between it and the pool. Whilst the pool's installation would have involved not insignificant ground excavation, the separation distances involved offer adequate assurances that it is very unlikely that any protected or important tree was harmed as a result of the works.
15. For the above reasons, the scheme has an acceptable effect upon any off-site protected tree. There is thus satisfactory compliance with saved Policy ENV3 of the Local Plan in so far as this policy sets out that the loss of fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.

Overall Planning Balance

16. Whilst I have identified no harm in the context of a protected tree, I have identified harm to the character and appearance of the area and harm to the significance and special interest of the Grade II Listed Watch House Cottage. The scheme's public benefits do not outweigh these identified harms and associated policy conflicts.
17. Thus, the scheme conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conclusion

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

Andrew Smith

INSPECTOR