



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: 08 December 2022

Appeal Ref: APP/Z1510/D/22/3291553

Overshot Mill House, Mill Lane, Colne Engaine CO6 2HX

- 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 and Mrs J Hunter against the decision of Braintree District Council.
 - The application Ref 21/02762/HH, dated 31 August 2021, was refused by notice dated 2 December 2021.
 - The development proposed is described as: Proposed single-storey outbuilding consisting of a gymnasium, family snug and pool kitchen area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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. Indeed, the appeal site contains Overshot Mill House and is proximate to Overshot Mill. Both are Grade II listed buildings.
3. Since the submission of this appeal, the Council, in July 2022, adopted Section 2 of its Local Plan. Section 1 was previously adopted in February 2021. The main parties have had the opportunity to make observations as regards any relevance of Section 2's adoption to the outcome of this appeal.

Main Issue

4. The effect of the proposal upon the setting and thereby the significance of the Grade II listed buildings known as 'Overshot Mill House' (the listed house) and 'Overshot Mill' (the listed mill).

Reasons

5. The statutory list entry¹ indicates that the listed house is of early 17th-century origin. It is a timber-framed, plastered property that is roofed with handmade red plain tiles. The significance and special interest of the listed house is drawn, in-part, from its age, its surviving historic fabric, its traditional materials, its range of ornate architectural features and its relevance to the rural history of the area. This significance and special interest is further

¹ List Entry Number: 1169877

underpinned by the spaciousness of the listed house's private grounds, the inherent ruralness of much of its wider surroundings and its historic intrinsic relationship with the listed mill.

6. The listed mill² is located to the east of the appeal site. It is a former water mill now in residential use. Its significance and special interest is drawn, in part, from its characterful roof form, its weatherboarding-led palette of traditional external-facing materials, and its relevance to the historic evolution of the rural area.
7. There are existing outbuildings positioned to the rear/north of the listed house. These consist of an existing single-storey outbuilding of rectangular footprint (the existing outbuilding) and an adjacent summerhouse, beyond which to the north an outdoor swimming pool is located. Upon inspection, a timber-framed pergola was also observable beyond the northern end of the swimming pool in the approximate location of where the new outbuilding would be sited. Stables and a manège are in place on neighbouring land to the west.
8. The appeal scheme involves the erection of an outbuilding that would reflect the general form, scale and appearance of the existing outbuilding but be smaller in footprint terms. It would be finished with timber feather-edged boarding to its elevations and pantiles to its pitched roof. Whilst contemporary elements consisting of full-height glazing and multiple small-sized rooflights are proposed to the outbuilding's front-facing elevation and roof slope, such features would have a somewhat discreet presence being largely screened by the existing outbuilding. I also see some merit in the argument made that the use of modern materials can promote a juxtaposition between old and new and illustrate the evolution of built form.
9. Even so, the proposal involves the construction of an additional outbuilding of sizeable footprint coverage and not insignificant ridge height in a location noticeably stepped beyond the locations of existing outbuildings. In this sense, its introduction would be apparent and would erode the spaciousness and ruralness of the listed house's setting. Moreover, its roof form, when experienced in southward views from a public right of way which runs between the property's garden and where the stables are positioned, would be visible and part-obscure available views of the listed house and its verdant backdrop. This is notwithstanding the presence of the existing outbuilding.
10. The aforementioned stabling consists of a small complex of single-storey stable buildings that is situated a similar distance away from the listed house when compared to where the proposed outbuilding would be located. However, this complex is positioned at a broadly comparable depth from Mill Lane to that of the existing outbuilding. Thus, the stabling's existence does not justify the further northward spread of built development as intended. Indeed, the scheme would unacceptably exacerbate the cumulative effect of subordinate built form upon the spacious and rural setting of the listed house.
11. I acknowledge that the proposal involves the removal of the existing summerhouse. However, this is a small building of low height that is situated immediately adjacent to the existing outbuilding. Its removal would have a negligible effect upon the openness of the property's garden and would not promote enhanced visibility of the asset. As there is no reference to the timber

² List Entry Number: 1337913

pergola on the Proposed Block Plan it is my assumption that the scheme involves its removal. In any event, this is a lightweight uncovered structure that has a minimal influence upon the listed house's setting.

12. Notwithstanding my above findings and the intrinsic relationship that endures between the listed house and the listed mill, the proposed outbuilding would preserve the listed mill's setting and would not cause harm to its significance or special interest. This is owing to the extent of separation involved and to changes that have occurred in the local area over time, including to the rear of the listed house.
13. Nevertheless, for reasons set out above, the proposal would fail to preserve the setting and special interest of the listed house, causing harm to its significance as a designated heritage asset. In the terms of the National Planning Policy Framework (July 2021) (the Framework), I qualify that the degree of harm would be less than substantial. Paragraph 202 of the Framework requires less than substantial harm to be outweighed by public benefits. The outbuilding would ultimately satisfy the private needs and wishes of the appellants and would offer no substantive public benefits. Thus, public benefits do not outweigh the harm identified.
14. As such, the scheme fails to accord with the historic environment conservation and enhancement policies contained within the Framework. Conflict also arises with saved Policies RLP18, RLP90 and RLP100 of the Braintree District Local Plan Review (adopted July 2005) and Policies LPP36, LPP47, LPP52 and LPP57 of the Local Plan Section 2 (adopted July 2022) in so far as these policies require new development to respect and respond to the local context, and set out that the immediate settings of heritage assets will be preserved and enhanced by appropriate control over the development, design and use of adjoining land.
15. The proposal conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conclusion

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

Andrew Smith

INSPECTOR