

Appeal Decision

Site visit made on 29 November 2022

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2022

Appeal Ref: APP/Z1510/D/22/3296489

Witches, New Green, Bardfield Saling, CM7 5EG

- 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 Mrs Julie Maltwood against the decision of Braintree District Council.
 - The application Ref 21/01824/HH, dated 24 May 2021, was refused by notice dated 10 January 2022.
 - The development proposed is erection of detached garage with home office at first floor, integral shed and log store and single storey garden studio.
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Decision

1. The appeal is allowed and planning permission is granted for erection of detached garage with home office at first floor, integral shed and log store and single storey garden studio at Witches, New Green, Bardfield Saling, CM7 5EG in accordance with the terms of the application, Ref 21/01824/HH, dated 24 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PSD_KJM_01 and PSD_KJM_03 rev. date 28 September 2021.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall be as specified on submitted plan ref. PSD_KJM_02 and in Section 9 of the original application form.

Main Issue

2. There is one main issue which is the effect of the proposed garage and garden studio on the character and appearance and setting of Witches, which is a Grade II listed building, the street scene and the surrounding area.

Procedural Matter

3. The Council adopted the Braintree District Local Plan 2013-2033 (LP) on 25 July 2022. The adopted policies referred to in the refusal notice have therefore been
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superceded. Draft policies referred to in the refusal notice have been re-numbered. The relevant policies in the context of this appeal are now therefore Policies LPP36, LPP43, LPP47, LPP52 and LPP57 of the LP.

Reasons

4. Witches is a thatched, timber framed house with a central brick chimney stack dating from the 17/18th centuries. It has 1.5 storeys and two flat head dormers illuminating the first-floor attic rooms. During the 20th century a central porch was added and the two original cottages combined into a single dwelling. It has been further extended with a single storey utility area on the east elevation and a conservatory to the rear. Witches sits well back from the street within a large, well treed and vegetated plot and behind a substantial frontage hedgerow.
5. Great weight attaches to the conservation of designated heritage assets. Paragraph 200 of the National Planning Policy Framework (NPPF), 2021, requires clear and convincing justification for any harm to, or loss of, the significance of a designated heritage asset including from development within its setting.
6. Until recently a flat roofed double garage of no architectural merit stood forward of and to the side of Witches. This was clearly visible, through the site entrance, from the street and masked views of the listed building from the access. At the time of my site visit this garage had been demolished. A replacement flat roofed garage on the same site and a flat roofed garden studio, both clad vertically in larch and of modern design, were allowed on appeal APP/Z1510/W/19/3233923 & APP/Z1510/Y/19/3233926) on 1 November 2019 in conjunction with extensions to the main building. The Inspector in his decision found that “the replacement of the existing garage with a building of improved design and material quality at a prominent location on the frontage would enhance the setting of the listed building”.
7. The current appeal proposes a garage and studio on substantially the same footprints as the approved scheme but with slate clad pitched roofs and externally clad in black feather edged boarding. Garage doors would be black and timber boarded. The garage would have a first floor in the roof space, proposed to be used as a home office, with an external staircase on the rear elevation. The garage would have a ridge height of about 4.75m and the studio would be lower at some 3.93m. Both buildings would have eaves heights lower than the host building and the roof heights would be significantly less than the approximately 7m height of the ridge of Witches.
8. Although the proposed garage would be sited in a prominent location and clearly visible from the access, it would be well separated from Witches. Its scale, both in terms of footprint and height, would be significantly smaller than the host dwelling and the proposed design and materials would be traditional and in keeping with other outbuildings in the locality. Likewise, the garden studio would be of noticeably smaller scale and of a design that reflects vernacular architecture in the area. There would be a clear separation between it and the host dwelling.
9. In both cases the proposed outbuildings would be clearly subordinate to the host dwelling. Moreover, the distance of separation of both elements and their offset position, to the side of the main façade of Witches would ensure that they

had no crowding effect on the listed building and did not compete with it. The garage would obscure views of the listed building from the street but to no materially greater extent than either the original garage or the permitted replacement. Overall, I find that both the garage and studio would represent well designed buildings, architecturally in keeping with the local vernacular and sympathetic to Witches and would not result in an overdevelopment of the large plot.

10. The Council suggests that the permitted replacement outbuildings were considered acceptable because they were flat roofed and of contrasting design and materials to the host dwelling. That may be so. However, in my view they do not represent the only acceptable solution and the buildings now proposed, whilst different, would also be sympathetic. The previous Inspector noted the "improved design and material quality" but in my view the same description would be equally applicable to the current proposals which would also enhance the setting of the listed building when compared with the original garage.
11. It is concluded on the main issue that the proposed garage and garden studio would have no materially harmful effect on the character or appearance of Witches, would sustain its heritage significance and would preserve or enhance its setting. Neither would any material harm arise to the street scene or surrounding area. In consequence, there would be no conflict with LP Policies LPP 36, LPP 47, LPP 52 or LPP 57 or with heritage protection aims of the NPPF. Taken together and amongst other things these policies expect the design, scale and materials of outbuildings to be compatible with the original dwelling and to exhibit a high standard of architectural quality that respects and responds to local context, including the setting of listed buildings, such that the new development reflects or enhances the local distinctiveness of the area, is subordinate to the original building, preserves the street scene and the setting of listed buildings and does not result in an overdevelopment of the plot. Policy LLP43 (referred to as draft Policy LPP45 in the Council's refusal notice) relates to parking provision and is not therefore relevant in this case.
12. In addition to the statutory commencement condition, the Council suggests two further conditions. I agree that, to provide certainty, the development should be carried out in accordance with the approved plans. In terms of materials, it is necessary to condition these in order to protect the character and appearance of the area and the setting of the listed building. However, the proposed materials would not match the existing building and so the approved materials should be those set out in the application. I shall adjust the wording of the standard condition accordingly.
13. For the reasons set out above and having regard to all other matters raised I conclude that the appeal should be allowed.

KE Down
INSPECTOR