



Appeal Decision

Site visit made on 5 January 2023

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/C1570/D/22/3303356

Kings Head Inn, High Street, Stebbing, Essex CM6 3SF

- 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 Jon Wright against the decision of Uttlesford District Council.
 - The application Ref UTT/22/0369/FUL, dated 8 February 2022, was refused by notice dated 27 May 2022.
 - The development proposed is residential access, repairs to the western boundary wall, timber rear gates, brick and flint wall with timber front gate.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised plan was submitted during the application process replacing the proposed brick and flint wall and 1.35m wide timber gate to the side of the Kings Head with a 2.4m wide timber gate. I have based my assessment on the revised plan (ref 222009-PL-00-101 Rev A).
3. The appellant's agent has confirmed that the appeal is made by Mr Jon Wright following the ambiguity of the application form.

Main Issue

4. The main issue is the effect of the development on the setting of the Grade II listed building known as the Kings Head and the character and appearance of Stebbing Conservation Area.

Reasons

5. The appeal site at the Kings Head incorporates the listed building along with a large garden to the rear. There is a private road along the north-east boundary of the site that provides access to various properties and a builders yard. The road is bounded by a brick and flint wall on either side of the access onto the High Street. On the Kings Head side of the private road, the boundary continues as a brick wall, then a tall timber outbuilding, and then another section of brick wall at the rear of the site. This section of wall has partially collapsed, seemingly due to the proximity of several trees.
6. The Kings Head dates from around the 16th century with later additions and alterations. Its significance is influenced in part by its former public house use and also by its timber frame with a jettied and pargetted first floor, red plain tile roof, and other architectural details. The building fronts directly onto the High Street with a wide elevation that gives it prominence in the street scene.

7. The significance of the listed building is also informed by its setting. The rear garden provides a residential backdrop to the building that is enclosed by the sections of wall and timber outbuilding described above. The brick wall and outbuilding utilise traditional historic materials and details that are sympathetic to the listed building. The wall, including the rear section, can be seen along the private road as well as from the access onto the High Street. Thus, the wall makes a positive contribution to the setting and significance of the listed building.
8. Stebbing Conservation Area encompasses the historic core of the village along the High Street along with adjoining open space to the west and a cluster of buildings around the church to the south. Its character and appearance is influenced by a range of historic timber framed and brick properties that line the High Street. Boundary walls form part of the historic townscape, notably opposite the site surrounding the Vicarage but also between buildings elsewhere such as the brick and flint wall to the side of the Kings Head.
9. The brick wall at the rear of the site is not identified as a key historic feature in the conservation area appraisal. However, it can be seen from the access onto the High Street and along the private road. Moreover, the ability to see something from a public location is not determinative in whether it contributes or not to the significance of a heritage asset. Therefore, the wall makes a positive contribution to the character and appearance of the conservation area.
10. The development seeks to rebuild the collapsed wall at the rear of the site. This could utilise reclaimed bricks and reflect the detailing of the existing wall. There is no evidence of deliberate neglect of, or damage to, the wall. The development would also retain the historic access from the High Street to the rear of the building. These elements of the development would preserve the setting of the listed building and the character and appearance of the conservation area with no harm to their significance.
11. The development would also remove the part of the wall next to the timber outbuilding to provide gates and access to the rear garden of the Kings Head. There would be a loss of historic fabric and part of a wall that makes a positive contribution to both the listed building and conservation area. Thus, the loss would result in harm to the significance of both heritage assets.
12. The harm would be less than substantial and restricted to a small section of wall within the conservation area and surrounding the listed building. The harm may also be less than the harm that may have arisen from the consented but never implemented demolition of the timber outbuilding. However, paragraph 202 of the National Planning Policy Framework (NPPF) requires such harm to be weighed against the public benefits of the proposal. NPPF paragraph 199 requires great weight to be given to the conservation of a designated heritage asset irrespective of the level of harm, while NPPF paragraph 200 requires clear and convincing justification for any harm to the significance of a designated heritage asset.
13. The development would enable vehicles to park at the rear of the Kings Head. Interested parties query access rights over the private road, while the red line site boundary excludes the road. However, I have insufficient evidence that occupants of the Kings Head could not use the road for access to the rear. For the purposes of this appeal, I have assumed that access is possible.

14. The appellant contends that parking at the rear would remove the currently awkward manoeuvre where vehicles parked at the Kings Head have to reverse off or onto the High Street from the space to the side of the building. Visibility is restricted to some extent by the brick and flint wall and the Kings Head itself. A turning head at the rear would allow vehicles to join the High Street in a forward gear. Improvements to highway safety could encourage more walkers and cyclists along the High Street. However, the development does not propose to remove the parking space to the side of the building, but only to replace the existing gates through to the rear garden. There is nothing to prevent the manoeuvre from continuing to occur even with the development in place and so I give only modest weight to this public benefit.
15. The appellant also contends that the development would improve the living conditions of occupants of the Kings Head by providing additional privacy to the rear garden and re-orientating the access and parking. Vehicles would not need to travel through the garden to access the rear. However, any benefits here would be private rather than public, and so I give no weight to them.
16. The third contention is that the development would reduce parking on the High Street to improve the street scene and reduce congestion. At my mid-morning site visit, I observed several parked cars along this section of the High Street and a regular flow of traffic that needed to give way to each other at times. While this is only a snapshot, the removal of some parked cars in this location would represent a modest public benefit to the listed building and conservation area as well as to traffic congestion.
17. The public benefits of the development carry no more than modest weight. They would not be sufficient to outweigh the less than substantial harm to the listed building and conservation area and provide the clear and convincing justification for the harm. Thus, the development would not accord with NPPF paragraphs 199, 200 and 202.
18. In conclusion, the development would have a negative effect on the setting of the Kings Head and the character and appearance of Stebbing Conservation Area, where the public benefits would not outweigh the harm to their significance. Therefore, it would conflict with Policies ENV1 and ENV2 of the Uttlesford Local Plan 2005 which requires development to preserve or enhance conservation areas and avoid adverse effects on the setting of listed buildings.

Other Matters

19. Interested parties have highlighted other matters of concern but given my conclusions it has not been necessary to consider these matters in any detail.

Conclusion

20. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR