
Appeal Decision

Site visit made on 9 January 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2023

Appeal Ref: APP/X1545/D/22/3310520

Naps End, Bacons Chase, Bradwell-on-Sea, CM0 7PH

- 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 B Barford against the decision of Maldon District Council.
 - The application Ref. HOUSE/MAL/22/00749 dated 22 June 2022, was refused by notice dated 17 August 2022.
 - The development proposed is first floor addition to form a two-storey dwelling, two storey rear, front and side extension. New porch and changes to fenestration
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The council officer's report states that, on consideration, the submitted plans show an extent of demolition that would result in this proposal being considered as a replacement dwelling rather than an extension, and that thus a full application should have been submitted instead of a Householder application. Notwithstanding that, the principle of constructing a replacement dwelling or of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with policies D1 and H4 of the Local Development Plan. However the application is considered, the principle of the development is acceptable and the relevant material considerations are the same. As such no party would be prejudiced if the local planning authority proceed to determine the application.
3. I agree that it is somewhat academic as to whether the proposal should have been submitted as an application for full planning permission: had it been submitted as a full planning application, the considerations would have been the same. I also agree that no party would have been prejudiced by proceeding as the council did. There is reassurance about the last point since there has been no representation at this appeal stage challenging the procedure.
4. I note that considerable reference is made in the officer's report to the fact that there was a predecessor application, and that reference is made to the differences between that and the appeal scheme. I have not had sight of the previous scheme, which is of no consequence: it is the appeal proposal that is before me, and my decision is based solely on my consideration of its details.

Main Issues

5. The main issues in this case are: i) the effect on the character and appearance of the rural area and ii) the effect of the proposal on the character, setting and significance of the listed buildings in the immediate area.

Reasons

The site and its surroundings

6. The appeal site, Naps End, is a 20th-century detached bungalow, with a number of outbuildings, benefiting from established mature planting to its boundaries and is not overly prominent within the surrounding area. It adjoins the boundary of the grounds of Bradwell Lodge, a grade II* listed building to the north. To the south and southeast is a cluster of five Grade II Listed buildings at Bacons. These listed buildings include Bacons (the former farmhouse), a pump, a brewhouse, and two separately listed barns. The timber-framed buildings all date from the Georgian period except for the western barn which appears to date from the late 1500s or early 1600s, making it one of the oldest agricultural buildings in the district. Fleeting views of the appeal dwelling are available from the access point off Bacons Chase. Public access ceases just past the entry to the appeal site.

The main points of the appellant's case

7. The Appellant does not consider that the enlarged dwelling would result in a dominant addition within the surrounding area and therefore, does not consider that it would disrupt or distract from the value of the historic neighbouring buildings. The core concept for the design of this scheme is that it responds to the existing site, context and existing buildings. The development aims to provide much needed additional habitable space for family living, whilst reacting to the character and appearance of the area and the constraints of the site.
8. The physical structure is not of an architecturally contrived design made up of incompatible styles that might genuinely appear intrusive. The proposal would result in an architecturally coherent and inherently attractive form. The use of varying materials between the ground and first floor is to ensure that an appropriate level of articulation is provided to the dwelling, whilst also breaking up the visual bulk of built form. The proposed materials are used consistently at different levels, providing a cohesive approach. The addition of the clad dormer roof alterations is considered to add visual interest to the roofscape and break up the mass at this level. The council accepts that the addition of dormer roof alterations (especially to the front elevation) result in a visual improvement by adding architectural character to the proposal.
9. The proposal would not be a marriage of incompatible styles that might genuinely appear intrusive. Whilst it is accepted that the proposed development would increase the volume of built form at the site, and would sit closer to the neighbouring listed buildings, it is not considered that this would be to the detriment of the character and appearance of the area. The proposed development allows space that provides an acceptable setting for the listed buildings. It is not considered that the proposal would result in an overly dominant, incongruous, or overbearing addition or detract from their setting.

10. Whilst properties to the western end of Bacons Chase are single storey in nature, there are other properties, in proximity to the site, that are of a chalet style design; benefitting from pitched roof dormers and gable projections. The proposed development may appear more modern in nature, but it has been well designed to take into account appropriate matters of scale, visual cues, proportions, and styles.
11. Bacons Chase is characterised by properties of a similar orientation to that proposed as part of this scheme, in that the main bulk of built form runs alongside the Chase. Therefore, the increase in depth is considered to result in a dwelling that is more characteristic in terms of scale and orientation of neighbouring built form than the current dwelling. Furthermore, the visibility of the site from within public vistas has been over-emphasised, since the site benefits from mature hedging to its boundaries and is not highly visible from public vantage points: public access along the Chase ceases to the east of the site and therefore the proposed development would only be viewed by the neighbouring occupants and visitors when entering these properties.
12. The development is in accordance with the council's development plan and government guidance

The effect on the character and appearance of the rural area

13. I accept that the design of the appeal dwelling has been carefully considered, and that in many settings would be acceptable. However, the site's location, and its surroundings bring considerations that are unusual.
14. The appeal proposal extends the footprint of the existing bungalow both at the rear (to the north-east) and at the side (to the south-east). The ridge height of the existing hipped roof would be raised from 4.617m to 6.531m on an enlarged footprint, and change its form to a half-hipped roof, having gable ends truncated by the eaves of small hips that descend a short distance from the roof ridge. In addition, at the south-east side, a new 2-storey wing is formed that projects forward of the existing front elevation. There would be 2 gabled dormers in the front elevation, set in the north-western half of the front roof plane, and a wide flat roofed dormer in the rear roof plane.
15. The result would be a house that is very considerably enlarged compared to the existing, with a roof that dominates the structure. In addition, the prominent side elevation facing Bacons Chase has no fenestration at first-floor level, which the proposed light grey plank cladding would do nothing to enliven. As such, the new house would be an incongruous form of urban development within a rural area, more prominent than the existing, where built form in the immediate vicinity largely consists of single storey dwellings, together with the listed buildings. It would have a considerably greater impact on its surroundings than the present bungalow.
16. In the light of these matters, I consider that the proposal would be unduly prominent, with a dominant roof that would be intrusive and harmful to the character and appearance of the rural area.

The effect of the proposal on the character, setting and significance of the listed buildings in the immediate area

17. As is noted by the council's Conservation and Heritage Specialist, the significance of the cluster of 5 grade II listed buildings derives from their age,

vernacular materials and character and from their value as a group, comprising a typical and attractive historic farmstead. The isolated and rural setting of the listed buildings adds to their significance. While Naps End is positioned very close to the listed buildings, it is currently not a prominent feature within their setting due its small and subservient scale and the presence of a mature boundary hedge.

18. To the north-west of Naps End are the adjoining grounds of Bradwell Lodge. Bradwell Lodge is a grade II* listed building and the grounds are included in the Historic Designed Landscapes of Essex Handbook Part 4 (2010) by the Essex Gardens Trust. The earliest part of Bradwell Lodge is a large but much altered timber-framed cross-wing, dating from the late-15th or early-16th century. The house was transformed in 1781-3 when an elegant villa was added to the older house. On the roof of the villa is an unusually large belvedere or observatory affording extensive view across the flat landscape. These historic landscaped grounds should be regarded as a non-designated heritage asset for the purposes of paragraph 203 of the National Planning Policy Framework (the Framework). Naps End can be seen in views from and across the parkland.
19. I have already described the general nature of the appeal proposal. The harm arising from the bulk and awkward form of the development in the setting of the adjacent listed buildings would be compounded by the use of modern materials such as composite cladding and plastic windows, and presumably modern concrete tiles, shown to be old english dark red roof tiles, with at least 1 manufacturer selling such tiles with this description. These would appear jarring in relation to the character of the historic farm buildings. Naps End would become the most dominant building within the cluster of buildings at this location, which would have the effect of disrupting and distracting from the value of the historic farm buildings as a group.
20. On one matter I do not agree with the comments of the specialist officer referred to in paragraph 17 above. This is in respect of the effect of the proposal on the setting of the grade II* listed Bradwell Lodge. Bradwell Lodge can be clearly seen from Naps End, and the proposed enlarged dwelling would become a prominent feature across its historic landscaped grounds, the whole of which amounts to an important part of its setting.
21. I conclude that the appeal development would cause "less than substantial harm" (using the terminology of the Framework) to the setting of Bradwell Lodge and to the significance of Bacons and the other listed buildings on Bacons Chase. Paragraph 199 of the Framework requires that "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation*". In addition, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I must have special regard to the desirability of preserving listed buildings or their settings.

Conclusions

22. For the reasons given in paragraphs 13 to 16, I have found that the appeal proposal would be intrusive and harmful to the character and appearance of the rural area. I have also found that the appeal development would cause "less than substantial harm" to the setting of Bradwell Lodge and to the

significance of Bacons and the other listed buildings on Bacons Chase for the reasons given in paragraphs 17 to 21. As I have mentioned, I must have special regard to the desirability of preserving listed buildings or their settings.

23. In coming to an overall conclusion, I must consider if there are public benefits that would outweigh the harm identified. I recognise that the development proposed would no doubt be of considerable benefit to the appellant and his family. However, the public benefits are limited, largely comprising the desirability of encouraging the provision of housing that is up-to-date in its construction and facilities and serving the needs of its residents.
24. The harm I have identified in terms of policy concerning preservation of listed buildings and their settings is not outweighed by the limited public benefits. For the reasons given above, I consider that the proposal would result in demonstrable harm to the character and appearance of the site, the surrounding area and countryside, and the setting and significance of the nearby listed buildings. Therefore, the development is contrary to policies, S1, D1, D3, S8 and H4 of the Local Development Plan and guidance contained within the Maldon District Design Guide and the Framework.
25. For these reasons the appeal will be dismissed

Terrence Kemmann-Lane

INSPECTOR