



Appeal Decisions

Site visit made on 24 January 2023

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 8 February 2023

Appeal A Ref: APP/H1515/Y/22/3299599

54 Tower Cottages, Ongar Road, Pilgrims Hatch CM15 9SB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr C Warrick against the decision of Brentwood Borough Council.
 - The application Ref 21/01835/LBC, dated 28 October 2021, was refused by notice dated 8 March 2022.
 - The works proposed are single storey rear extension and alterations to the fenestration.
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Appeal B Ref: APP/H1515/W/22/3299601

54 Tower Cottages, Ongar Road, Pilgrims Hatch CM15 9SB

- 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 C Warrick against the decision of Brentwood Borough Council.
 - The application Ref 21/01814/HHA, dated 22 October 2021, was refused by notice dated 8 March 2022.
 - The development proposed is single storey rear extension and alterations to the fenestration.
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Decision

1. The appeals are dismissed.

Preliminary Matters

2. The Brentwood Local Plan 2016-2033 Adopted March 2022 (BLP) was adopted after the Council determined the listed building consent application and the planning application that are the subject of these appeals. I have therefore had regard to the adopted development plan policies rather than those cited in the decision notices.
3. As Appeal A relates to a listed building consent, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt;

- whether the proposal would preserve a Grade II listed building, 53 and 54 Bentley Corner, (now 54 Tower Cottage) and any of the features of special architectural or historic interest that it possesses; and
- would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriateness

5. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. These include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. BLP Policy MG02 requires proposals within the Green Belt to be considered and assessed in accordance with the provisions of national planning policy. However, disproportionate is not defined in either the Framework or the BLP.
7. There is a dispute between the main parties regarding the original and proposed footprint of the building. The Appellant considers that the original footprint of the building including a cart lodge and small porch, was some 116sqm. The Appellant also considers that the proposed footprint including the original building, a rebuilt north wing, new garage, new porch and two storey rear extension would lie in the region of 166sqm. This amounts to a considerable increase in footprint.
8. Moreover, given the two-storey height, width and depth of the existing rear extension, the original building has already been subject to a significant increase in volume. The proposed extension would be single storey. However, together with the previous extensions, it would result in a significant increase of footprint and volume compared with the original building that would constitute a disproportionate addition over and above the size of the original building.
9. Consequently, the proposal would be inappropriate development in the Green Belt. Therefore, it would conflict with BLP Policy MG02 which seeks to preserve the Green Belt from inappropriate development.

Openness

10. Since the proposed extension would result in built development above ground where there currently is none, albeit on an area of hardscaping, it would adversely affect the spatial openness of the Green Belt.
11. In terms of visual openness, the proposal would not project beyond the existing side and rear extents of the building. Views of the proposal would also be largely restricted from the highway. The ridge height of the proposed extension would also be lower than the ridge of the existing single storey north wing of the building. Nonetheless, the proposal would substantially increase the footprint, volume and massing of the building thereby causing harm to the visual openness of the Green Belt. As such, it would conflict with the

fundamental aim of Green Belt policy which seeks to prevent urban sprawl by keeping land permanently open.

12. Since the proposal would lead to a greater impact on the openness of the Green Belt than the existing development, it would not meet the exception of limited infilling or the partial or complete redevelopment of previously developed land.
13. Consequently, the proposed development would have an adverse effect on the openness of the Green Belt. Therefore, it would conflict with the Framework in this particular respect.

Listed building

14. The building was first listed in 1992 and amended in 1994 (Ref: 1207602) and dates from the 17th century. It was originally two cottages which relate to the central weatherboarded part of the building. The listing states that in the early 19th century the house was raised and given its present frontage and an extra fireplace added at north end. 20th century extensions include the two-storey rear extension and single storey rebuilt north wing.
15. The 20th century alterations and additions are smaller in height and massing than the historic core of the building. They therefore appear subservient resulting in the central core of the building appearing visually dominant.
16. Given the above, I find that the special interest of the listed building, insofar as it relates to these appeals, to be associated with the legibility of the historic phasing of the 17th and 19th century parts of the building.
17. The proposal for a single storey extension would be sited adjacent to the existing rear extension and side extension. The proposal would not extend beyond the rear and side extents of the building, and the proposed openings would result in the loss of 20th century fabric rather than any fabric associated with the historic core.
18. However, given its depth and width, the proposed extension would partially obscure the remaining visible parts of the gable end of the historic core when viewed from the rear. Therefore, the proposal would significantly erode the limited legibility of the 17th and 19th century phases of the building from this perspective and lead to a visually distracting, modern addition.
19. The appellant has suggested that the proposal would not harm the listed building because it would not be more widely visible. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
20. The proposed materials including use of slate and white weatherboard would match the historic core of the building. I accept that the proposed extension would not involve the removal of fabric from the 17th or 19th century parts of the building. However, the scale and form of the proposal would cause further cumulative harm to the legibility of the historic rear elevation and gable end which would fail to preserve its special interest.
21. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their

conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given the limited scale of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

22. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The proposal would result in direct access from the kitchen to the dining room without removal of part of an original fireplace and would improve the living conditions of the existing occupiers. However, these are private benefits and, in any event, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
23. Given the above, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building, thus failing to satisfy the requirements of the Act, paragraph 199 of the Framework and development plan policies. In particular, the proposal would conflict with BLP Policies BE14 and BE16 which seek to preserve and make a positive contribution to the significance of heritage assets.

Other considerations

24. The Green Belt policies in the Framework provide a clear reason for refusing the development proposed. Therefore, the presumption in favour of granting planning permission in those circumstances found in paragraph 11(d) of the Framework does not apply.

Conclusion

25. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.
26. For the reasons given above the appeals are dismissed.

R Sabu

INSPECTOR