



Appeal Decision

Site visit made on 10 February 2023

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/C1570/W/22/3306251

Fleet Cottage, Waterwick Hill, Langley, Essex CB11 4SF

- 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 & Mrs J. Walsh against the decision of Uttlesford District Council.
 - The application Ref UTT/22/0997/HHF, dated 7 April 2022, was refused by notice dated 10 August 2022.
 - The development proposed is described as Extension of existing annexe outbuilding to form new garage at Fleet Cottage, Waterwick Hill, Langley, CB11 4SF, revisions to proposal approved under app ref UTT/21/3635/HHF.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - the setting and significance of the Grade II Listed Fleet Cottage; and,
 - the character and appearance of the host building and the area.

Reasons

Heritage asset

3. The appeal building is an annexe building in close proximity to Fleet Cottage. Under section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 (LBCAA), I am required to have special regard to the desirability of preserving the setting of a listed building or any features of special architectural or historic interest it possesses. Paragraph 199 of the National Planning Policy Framework (2021) (the Framework) requires when considering the effects upon the significance of a designated heritage asset, great weight should be given to its conservation. Harm to the significance of a designated heritage asset can derive from development within its setting (para 195) and harm to significance requires clear and convincing justification (para 200).
4. Fleet Cottage is an 18th century timber framed and plaster building. While it is one dwelling, it appears it was once two or three agricultural workers cottages, similar to neighbouring Grade II Listed The Crest and Crocker's cottage, also shown on the 1878 map. There was a separate detached building on a similar orientation to the appeal building with a parallel garden, north of Fleet Cottage.

This was demolished and replaced with the appeal building in the 1970's or 1980's, now being within the single generous plot of Fleet Cottage.

5. The significance and special interest of Fleet Cottage is the architectural and historic value of its historic construction, forms, features, and materials as a traditional Essex vernacular thatched cottage. It includes 1 storey attics under a half-hipped thatched roof with central chimney stack. Notwithstanding some remodelling and extensions on its north and south, it has retained much of its historic charm and features. It has a moderate architectural and historic value as part of its special interest. Its special interest and its value are particularly apparent from its plot and Waterwick Hill to its front.
6. The extent of the setting is partly limited by its tall mature boundary hedgerows. However, as well as the generous grounds and annexe, the setting includes the area of Waterwick Hill to the front and north of the property, including some limited visibility of it in the context of the listed cottages to the south. Despite the newer dwelling north of the appeal site and the changes to the Fleet Cottage plot, its setting contributes to its significance as a verdant rural, part agrarian and part residential setting along the historic lane in which the can be viewed and appreciated, as the primary building within the plot.
7. The appeal building contributes to the setting and significance of Fleet Cottage as a subservient weatherboarded rural building in close proximity to it. Its subservient size means Fleet Cottage has an eminence within a rural, verdant and spacious wider plot. Its proximity, position, and scale make a significant contribution to the setting and the way in which Fleet Cottage is appreciated.
8. The extension to the annexe would result in a significant increase in its scale and mass. It would have the appearance of nearly doubling its width and significantly enlarging its scale, mass and prominence in close proximity to Fleet Cottage. It would erode its rural setting and in particular compete with and distract from Fleet Cottage. Therefore, it would have a harmful effect upon, and not sustain or enhance the experience of the asset within its setting, visible from Waterwick Hill to the front and north of the appeal site and the northern part of the plot.
9. The annexe is permitted to be extended¹ with a single storey extension of the same footprint to this appeal proposal. I have no reason to believe that that particular development will not be implemented. Therefore, the appellant has a fall-back position. However, it is markedly lower than this appeal proposal and the reduced height and shallower roof form results in significantly lesser scale and mass to that of the appeal proposal, affecting the setting of Fleet Cottage much less. Therefore, the approved extension is significantly different to the appeal proposal. It attracts limited weight, and does not of itself, justify allowing the appeal proposal.
10. There are no detailed landscaping proposals set out on the plans before me. While there could be some enhancement of landscaping through measures such as increasing existing vegetation height and additional planting, it is not demonstrated this would mitigate the harm from the proposed development.
11. Therefore, for the reasons set out above the proposed development would result in a harmful effect upon and thereby not preserve, the setting of a Grade

¹ Ref. UTT/21/3635/HHF

II Listed Building, adversely affecting its significance. It would conflict with the aims of the LBCAA and Policies ENV2 and GEN2 of the Uttlesford Local Plan (2005) (the ULP). In combination and amongst other things these policies require that development safeguards important features within its setting, and shall not be harmful to the setting of nearby listed buildings.

Character and appearance

12. The character and appearance of the area can be characterised by attractive, well-designed and some generously sized dwellings and outbuildings of a variety of architectural styles and age, set within generous verdant plots within a wider rural area. The appeal site contributes to this by virtue of the visual qualities of the existing buildings within a generous maturely vegetated plot.
13. The proposal would significantly increase the scale and mass of the building. While of a similar ridge height and length, the façade would be shorter, so would not appear as a dominant extension. The building might no longer appear subservient to the host dwelling and could be perceived as separate dwelling. However, the Council has not reasoned why this of itself is harmful to the streetscape and surrounding buildings, other than to the heritage asset. Its scale, roof form, design and materials, and being set away from the boundaries within a generous plot, means it would not appear strident or harmful to the host annexe, streetscape or surrounding wider buildings.
14. The Council refers to guidance that roofs should have a principle and subsidiary forms, and differences in ridge heights to lessen visual impacts. Whether or not it is appropriate to adhere to such guidance is dependent upon the circumstances and context of a proposal. In this particular case, given the façade length, part-hipped roof form, appearance and surrounding mature landscaping, as a matter of planning judgement I do not consider the development would be harmful to character and appearance of the host annexe, streetscape or area. However, this does not mitigate or overcome the harm I have found to the setting and significance of Fleet Cottage.
15. For the reasons set out above, the proposed development would not be harmful to the character and appearance of the host annexe or the area. It would not conflict with Policies S7, GEN2 and H8 of the ULP insofar as these expect development protects the character and appearance of the area, and is compatible with the scale, form, layout, appearance and materials of the existing building. The development does not conflict with paragraph 130 of the Framework insofar as it requires that development should integrate good architecture, layout and be sympathetic to local character.

Other Matters

16. The proposal is screened from the neighbouring Grade II Listed The Crest and Crocker's Cottage by a tall mature hedge line, Fleet Cottage and the perpendicular elevation of the annexe. It does not adversely affect the setting of those heritage assets and the way in which they are experienced.

Heritage Balance

17. The proposed development would result in less than substantial harm to the setting and the significance of a Grade II Listed Building. Paragraph 202 of the Framework states where a development would lead to less than substantial harm, the harm should be weighed against the public benefits. However, great

- weight should be given to an asset's conservation, and less than substantial harm should not be equated with a less than substantial planning objection.
18. The proposal would result in a small temporary economic benefit during construction, further internal floorspace, and once occupied a small on-going benefit to the local economy, including additional office space. A home work space might result in the need to travel less, however, there is no substantive evidence to suggest this would be anything other than a limited public benefit. There might be opportunity to reduce run-off through sustainable drainage, and further planting for landscape and biodiversity benefit, secured by suitably worded planning conditions. However, there is no evidence of existing drainage issues or details of the improvements in these regards. There is nothing to suggest these would be anything other than limited public benefits.
19. Compliance with policies such as those in respect of the location of development, the setting of other listed buildings, the living conditions of neighbouring occupiers, highway and parking matters, resource and energy efficient design and construction, are neutral matters. Compliance with the development plan, the Framework and the aspirations of the National Design Guide (2019) in respect of matters such as the compatibility with the existing annexe and the character and appearance of the wider area are also neutral matters.
20. Overall, the public benefits of the development are limited, attracting limited weight in favour of the scheme. Consequently, when giving considerable importance and weight to the special regard I must have to the desirability of preserving the setting of the listed building, I find that the public benefits do not outweigh the harm to the setting and the significance of the designated heritage asset. Therefore, the development conflicts with paragraph 202 of the Framework. This attracts great weight.

Planning Balance & Conclusion

21. The appellant is of the view the ULP is out of date and the Council does not dispute this. In such circumstances paragraph 11 of the Framework states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, having regard to footnote 7. It includes designated heritage assets. Therefore, the tilted balance does not apply, and the Framework policies provide a clear reason for refusing the development.
22. The proposed development would have an adverse effect upon the setting and the significance of a listed building, in conflict with the development plan and the Framework read as a whole, and the aims of the LBCAA. There are no material considerations advanced that indicate the decision should be made other than in accordance with the development plan or the Framework. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR