



Appeal Decision

Site visit made on 20 June 2023

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

an Inspector appointed by the Secretary of State

Decision date: 3 July 2023

Appeal Ref: APP/P1560/W/21/3288637

White Ladies, 205 Thorpe Road, Kirby Cross CO13 0NH

- 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 Young against the decision of Tendring District Council.
- The application Ref 21/00544/FUL, dated 17 March 2021, was refused in part by notice dated 22 September 2021.
- The development proposed is described on the application form as "demolition of rear lean-to and side garage. Erection of single storey rear extension and detached garage/workshop, together with removal of conditions 02, 03 and 04 from the original planning permission as granted 6.10.2044 (ref 04/01455/FUL)".

Decision

1. The appeal is dismissed insofar as it relates to the demolition of the rear lean-to, the erection of a single storey rear extension, the insertion of a rear rooflight, and internal alterations. The appeal is allowed insofar as it relates to the demolition of the side garage and the erection of a detached garage/workshop and planning permission is granted for the demolition of the side garage and the erection of a detached garage/workshop at White Ladies, 205 Thorpe Road, Kirby Cross CO13 0NH in accordance with the terms of the application, Ref 21/00544/FUL, dated 17 March 2021, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: WL.21.01, WL.21.02 Revision B

Preliminary Matters

2. The description of development on the application form refers to the removal of conditions from an earlier planning permission. However, no information has been provided on this aspect in terms of the documents before me. The description of development on the decision notice and appeal form also makes no reference to this aspect. Therefore, I have not considered the removal of the conditions as part of my appeal decision.
3. The application form description does not refer to the rear rooflight or internal alterations, but they are mentioned in the formal decision above for clarity. It is not clear whether these elements require planning permission or just listed building consent but given that the Council's decision notice refers specifically to them, I have considered them as part of my decision.

4. The Council issued a split decision granting planning permission for the detached garage/workshop and refusing planning permission for the single storey rear extension, internal alterations and rear rooflight. However, the whole proposal is before me because Section 79(1) of the Town and Country Planning Act 1990 allows the Secretary of State to deal with the application as if it had been made to him in the first instance.
5. Concurrent with the planning application, the appellant submitted an identical application for listed building consent for the same proposal. The Council issued the same split decision as the planning application. The appellant also appealed that decision, but the appeal was turned away due to a missing document. Therefore, I have only assessed this planning appeal.
6. For the reasons that follow, I find the demolition of the side garage and the erection of a detached garage/workshop to be acceptable. They are clearly severable from the rest of the proposal and so I intend to issue a split decision and grant planning permission for the demolition of the side garage and the erection of a detached garage/workshop only. While the demolition of the rear lean-to is acceptable in principle, it is not severable from the rest of the proposal as it is partly on the footprint of the proposed extension.

Main Issue

7. The main issue is the effect of the proposal on the significance of the Grade II listed building known as White Ladies and the character and appearance of the area.

Reasons

8. White Ladies is a Grade II listed building that dates from around the 17th or 18th century. The special interest and significance of the listed building is informed by its architectural and historic qualities as a rural cottage. The main part of the building is timber framed with rendered external walls and a plain clay tile roof. It has a long narrow footprint and is single storey with bedrooms in the attic space above. At the rear is a single storey lean-to extension and a large garden. The extension is modern and of a simple design, but its shallow depth means it does not dominate the rest of the building. There are three small dormer windows in the rear roof slope.
9. The property fronts onto Thorpe Road with a short front garden set behind a low-level picket fence. To the west is a pair of altered two storey semi-detached properties while to the east are a series of modern bungalows of varying design. An existing garage to the side of the property and the semi-detached properties restrict views to the rear from the road to the west. There are partial views of the existing lean-to extension from the road to the east above the boundary fence and between vegetation that lines a public footpath. As a historic building in a location of otherwise mostly modern or altered properties, White Ladies makes a positive contribution to the character and appearance of the area.
10. The existing lean-to is of little architectural merit and its demolition would not be harmful in any way. However, the proposed rear extension would more than double the depth of the historic building apart from where it steps in for the kitchen. While the extension would not exceed the footprint of the historic building, it would represent a significant and taller enlargement compared to

the lean-to extension. The use of render would match the existing building, but it would result in a long blank eastern elevation with limited articulation. The overall size and design would make it harder to appreciate the historic building from the rear compared to the existing extension. Therefore, the extension would result in harm to the significance of the listed building.

11. There would only be glimpsed views of the extension from the road to the west due to the semi-detached properties and the setback of the extension from the west elevation. From the road and public footpath to the east, it would be possible to see more of the extension although this would be filtered by the existing fencing and vegetation. Nevertheless, it would be an overly large extension to the historic building and so would cause some harm to the character and appearance of the area.
12. The proposal includes internal alterations at first floor to create an ensuite shower room. There is a lack of information on how these alterations would affect historic fabric particularly in terms of the timber frame. Consequently, it is not possible to conclude that the alterations would avoid a harmful effect on the listed building.
13. The dimensions of the proposed rooflight would be modest. Given the limited size of the existing dormers compared to the overall rear roof slope, the rooflight would not result in a cramped appearance or cause an unacceptable cumulative effect. However, as with the internal alterations, it is unclear how it would affect historic timbers and avoid harm to the listed building.
14. The proposed detached garage would be set back into the rear garden and would utilise sympathetic materials to avoid adverse effects on the listed building or the character and appearance of the area. It would be an acceptable form of development. The existing side garage is a modest structure that has a neutral effect on the listed building and the character and appearance of the area. Thus, its demolition would be acceptable.
15. The harm to the significance of the listed building arising from this proposal would be less than substantial. Nevertheless, paragraph 202 of the National Planning Policy Framework requires such harm to be weighed against the public benefits. I note that the proposal seeks to enlarge the living accommodation for different generations of the family. However, this is essentially a personal benefit and there is little evidence to show that the existing property is impractical for modern living or that a reduced extension could not achieve similar aims.
16. The removal of the existing side garage would have a neutral effect. The purported lack of effects on the occupiers of neighbouring properties is a neutral rather than beneficial matter. Therefore, it has not been demonstrated that there are public benefits that would outweigh the identified harm.
17. In conclusion, the single storey rear extension, rear rooflight, and internal alterations would have a harmful effect on the significance of the listed building. The rear extension would also harm the character and appearance of the area. Therefore, these elements would conflict with Policies SP1, SPL3 and PPL9 of the Tendring District Local Plan 2013-2033 which seek sustainable design and development and require proposals to protect and enhance local character and protect the special architectural or historic interest, character, appearance and fabric of listed buildings.

18. The demolition of the side garage and the rear lean-to and the erection of a detached garage/workshop would have an acceptable effect on the listed building and the character and appearance of the area. Thus, these elements would accord with Policies SP1, SPL3 and PPL9 as outlined above.

Other Matters

19. The neighbouring properties are set away from the side boundaries such that the detached garage/workshop and its use as an ancillary structure would have no unacceptable effects on the living conditions of occupiers in terms of privacy, outlook, light, noise and disturbance. There may be some disturbance during construction, but this is time-limited and can be sympathetically managed. Moreover, the proposal would not result in a significant loss of planting or trees. Therefore, no unacceptable effects on wildlife are likely either. The access point onto Thorpe Road does not appear to present any specific highway safety issues with a straight road in either direction. Finally, concerns relating to boundary disputes and land ownership are not material planning matters and are for the affected parties to address separately.

Conclusion

20. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the demolition of the side garage and the erection of a detached garage/workshop and dismissed insofar as it relates to the demolition of the rear lean-to, the erection of a single storey rear extension, the insertion of a rear rooflight, and internal alterations. Two conditions are attached to ensure that the permitted elements of the proposal are carried out in accordance with the approved plan and within the standard timeframe.

Tom Gilbert-Wooldridge

INSPECTOR