



Appeal Decisions

Site visit made on 5 June 2023

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2023

Appeal A Ref: APP/C1570/W/22/3304849

Cutlers Cottage, Orange Street, Thaxted, Essex CM6 2LH

- 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 Payne against the decision of Uttlesford District Council.
 - The application Ref UTT/22/1163/HHF, dated 25 April 2022, was refused by notice dated 27 June 2022.
 - The development proposed is a single storey rear extension.
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Appeal B Ref: APP/C1570/Y/22/3304851

Cutlers Cottage, Orange Street, Thaxted, Essex CM6 2LH

- 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 & Mrs Payne against the decision of Uttlesford District Council.
 - The application Ref UTT/22/1164/LB, dated 25 April 2022, was refused by notice dated 27 June 2022.
 - The works proposed are a single storey rear extension.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matter

3. The site relates to development and works at Cutlers Cottage¹, a Grade II listed building located within the Thaxted Conservation Area. The proposal is the same for both the planning appeal (Appeal A) and the listed building consent appeal (Appeal B), although the legal regimes are different. While I have borne in mind my statutory duties in respect of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) as appropriate, to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together in this decision letter.

Main Issues

4. The main issues are whether the proposed development and works would preserve the listed building and any of the features of special architectural or historic interest that it possesses; and whether the character or appearance of the conservation area would be preserved or enhanced.

¹ List entry number: 1112923

Reasons

5. The listed building features a detached two storey dwelling that fronts Orange Street and occupies a prominent corner plot which is adjacent to a highway junction with the St Clements cul-de-sac. According to the statutory list description, the building is of late 16th or early 17th century origin, timber framed and plastered, with features including 19th century sliding sashes, an original chimney stack, a rear lean-to extension, and an original fireplace.
6. The lean-to extension is a single storey addition that extends across the full width of the rear elevation with a sloping catslide roof. Internally, the lean-to contains a snug and dining room, off which is a modern single storey kitchen extension. It also features an exposed timber frame and long rafters with plaster infill panels that create a high ceiling. While the lean-to may not be contemporary with the earliest phase of the building, its exposed timber interior and vertical hung and multi-paned sash windows are telling of traditional construction and some vintage.
7. When I visited, the elevations of much of the building appeared to be in the process of being renewed. Irrespective of this, the significance and special interest of the building derives largely from its vernacular form, original features and surviving historic fabric. Legibility of the building's evolution over many centuries also adds to its architectural and historic interest, with the roof form, materials and fenestration of the lean-to speaking to the adaptations from the 19th century and adding to its significance. The diminutive scale and flat roof of the kitchen extension contribute to the legibility of the lean-to and its distinctive roof slope. The kitchen extension therefore preserves the special interest of the building even if it does not add to it.
8. The conservation area is concentrated on the historic core of Thaxted. Its significance is principally derived from it being a fine example of a compact and historic market town with numerous well-preserved vernacular buildings, including many of timber framed construction and with traditional windows. Although Cutlers Cottage is set back from the cul-de-sac behind a brick wall and fencing, the rear and nearest side elevation to St Clements are appreciable in views from around the junction. Cutlers Cottage adds value to the architectural and historic variety of the buildings in the settlement, and thus makes a positive contribution to the character and appearance of the conservation area as a whole.
9. The proposal includes the removal of the kitchen extension and its replacement with a single storey, oak framed and lime rendered extension with a pitched and gabled plain clay tiled roof. Internally, timber studwork in the rear wall of the lean-to would be retained to provide an open screen between the dining room and the proposed extension.
10. As the kitchen extension is of no architectural interest, its removal would not involve a loss of historic fabric and would preserve the building's special interest. However, the proposal would entail the removal of a significant amount of the building's rear wall, the traditional sash window to the rear of the dining room, and part of the catslide roof. As the lean-to adds to the building's special interest and significance, the loss of fabric would be harmful. Additionally, although a condition could be imposed to provide clarity over how the junction of the proposed roof of the extension would be designed to meet

the lean-to, any removal of the interior's timber frame and infill panelling would result in further loss of fabric of architectural and historic interest.

11. The roof structure of the proposed extension would have exposed rafter feet, use matching materials, and feature a roof pitch reflective of the main part of the existing roof. However, the apex of its ridge would reach almost as high as the base of the chimney stack that sits at the top of the catslide roof of the lean-to. The footprint of the proposed extension would also reach across almost half of the rear elevation and over five metres back from it. Not only would it be taller, deeper and wider than the kitchen extension, it would be a disproportionate and incongruous addition that would compete with and detract from the traditional form of the building, and undermine the legibility of its rear elevation and modest vernacular form.
12. The proposed extension would be constructed from high-quality traditional materials and the majority of the glazing would be in the rear gable. Even so, it would feature a contemporary fenestration design with windows up to the gable's apex which would be at odds with the traditional fenestration pattern that characterises the building overall. Whilst it is proposed to retain studwork to form an internal screen, the scheme would introduce a comparatively open plan layout and would lessen the legibility of the lean-to as a distinctive phase in the building's evolution.
13. Overall, the proposed development and works would not respect the traditional form or historic fabric of Cutlers Cottage, and its special interest and significance would not be preserved. The proposed development and works would thus conflict with sections 16(2) and 66(1) of the Act.
14. Furthermore, the disproportionate scale of the proposed extension would be prominent from St Clements on approach to the highway junction and, from there, it would compete with and detract from the traditional form of the building and weaken the contribution that Cutlers Cottage makes to the architectural and historic variety of the buildings in the conservation area. Therefore, the character and appearance of the conservation area as a whole would not be preserved or enhanced. The proposal would therefore also be contrary to section 72(1) of the Act.
15. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impacts to the significance of a designated heritage asset, great weight should be given to the asset's conservation. In each case the harm to the listed building and the conservation area, as designated heritage assets, would be less than substantial. Paragraph 202 of the Framework makes clear that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of the assets.
16. The benefits put forward by the appellants relate principally to increasing the size of the accommodation at Cutlers Cottage and improving circulation and the ground floor layout. The existing extension is of no special interest and its removal would not be a benefit. There would be some economic benefit associated with the construction phase and upgrading the listed building. However, the benefits of the proposal would largely accrue to the appellants and there is no indication that the overall scale, nature and form of the proposed extension would be the least harmful way of achieving those benefits. The Heritage Statement refers to the property being in relatively good overall

condition, which is already in use as a single dwelling. The proposal would therefore not secure the building's optimum viable use.

17. On the other hand, the proposal would harm the significance and special interest of the listed building and fail to preserve or enhance the character or appearance of the conservation area, which carry considerable importance and weight. Therefore, the public benefits do not outweigh the harm identified.
18. The proposed works and development would fail to satisfy the requirements of the Act and the historic environment protection policies within the Framework. There would also be conflict with policies ENV1 and ENV2 of the Uttlesford Local Plan, which set out that development will be permitted where it preserves or enhances the character and appearance of the essential features of a conservation area, and that alterations that impair the special characteristics of a listed building will not be permitted. It would also conflict with Uttlesford Local Plan policies H8, GEN2 and S3, which aim to ensure that extensions respect the buildings to which they relate, that development is compatible with its surroundings, and that the character of Thaxted is protected. Consequently, in respect of Appeal A, the proposal would not be in accordance with the development plan taken as a whole.

Other Matters

19. Decision notices² have been provided for approved applications for planning permission and listed building consent from 2010 for a single storey rear extension at the property. It is alleged that the approved extension would have been similar to that before me but would have featured more glazing and involved the removal of more of the existing building's fabric. However, both the permission and consent have lapsed and thus do not offer a genuine fallback or justify the harm that I have found.
20. A driveway separates Cutlers Cottage from an adjacent public house, The Maypole³, which is a Grade II listed building. The public house is a 19th century two storey building with modern pargetting, traditional front sash windows at ground floor level and casement windows of varying ages elsewhere. The special interest and significance of the public house is derived in part from its architectural interest as appreciated principally from Orange Street, its historic fabric and public house use. Notwithstanding that Cutlers Cottage is in the setting of the public house and there is slight intervisibility between the two, the proposed extension would be read as an alteration to Cutlers Cottage that would not compete with or detract from the special interest of the public house. The setting, significance and special interest of the public house would therefore be preserved. A lack of harm in this respect, however, does not alter my overall conclusions.

Conclusions

21. For the above reasons and having regard to all matters raised, I conclude that both appeals should be dismissed.

Mark Philpott

INSPECTOR

² Council references: UTT/0229/10/FUL; UTT/0233/10/LB

³ Identified as Rose and Crown Public House in the statutory list; list entry number: 1317225