



Appeal Decisions

Site visit made on 19 June 2023

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2023

Appeal A Ref: APP/C1570/W/22/3307319

50 London Road, Saffron Walden, Essex CB11 4ED

- 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 T Barnett against the decision of Uttlesford District Council.
 - The application Ref UTT/22/1220/HHF, dated 29 April 2022, was refused by notice dated 29 June 2022.
 - The development proposed is described as 'proposed alterations to include the removal/modification of internal partitions and ceiling, removal of a lean-to lobby extension, the insertion of 3No. Conservation type rooflights and new door opening in the western elevation'.
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Appeal B Ref: APP/C1570/Y/22/3307320

50 London Road, Saffron Walden, Essex CB11 4ED

- 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 T Barnett against the decision of Uttlesford District Council.
 - The application Ref UTT/22/1221/LB, dated 29 April 2022, was refused by notice dated 29 June 2022.
 - The works proposed are described as 'proposed alterations to include the removal/modification of internal partitions and ceiling, removal of a lean-to lobby extension, the insertion of 3No. Conservation type rooflights and new door opening in the western elevation'.
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Decisions

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

Preliminary Matters

3. The site comprises The Old Chapel¹, a Grade II listed building located within the Saffron Walden Conservation Area. The scheme is the same for both the planning appeal (Appeal A) and the listed building consent appeal (Appeal B), although the legal regimes for each 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.
4. When I undertook my site visit, it was evident that alterations to the listed building were underway which differ markedly from those shown on the proposed plans. Based on the existing plans and photographs contained within the appellant's appeal statement, it appears that the wall between the kitchen

¹ List entry number: 1196214

and the living room has been removed aside from small nibs at each end. A small 'lobby' addition, a nine-over-nine sash window and nearby wall have also been removed and replaced with new doors. The remaining opening has been blocked up, with some brickwork currently exposed. Additionally, new cupboards, countertops, and a central island have been installed within the kitchen. The interior walls have been plastered recently limiting my determination of the techniques used in undertaking the internal alterations.

5. In the interests of fairness, I have decided the appeals based on the scheme shown on the proposed plans, which the Council considered when it made its decisions and upon which interested parties' views were sought. In doing so, I have judged the pre-existing situation based on the existing plans and the aforementioned photographs.

Main Issues

6. 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 or not the character or appearance of the conservation area would be preserved or enhanced.

Reasons

7. The listed building comprises a former chapel that flanks London Road and occupies a wedged-shaped plot bound by brick and flint walls, hedges and fencing. A public footpath runs to the rear of the plot beyond which is the District Council Office and an associated car park.
8. According to the statutory list description, the listed building dates from 1822 and is now a dwelling. It has a rectangular plan form, is two storeys and of red brick with brick dressings and a Welsh slate roof. Its front elevation features a pedimented gable with a central date plaque, a porch with partly panelled and glazed timber doors, a hipped roof under a revealing arch, and traditional multi-paned sash windows to each side of the entrance. The London Road elevation includes four full height round arched recesses each containing traditional multi-paned sash windows to the ground and first floors. The parallel elevation is similar, but with three arched recesses and sets of sash windows as a result of a lean-to addition to the bay near the rear of the building.
9. The lean-to is mostly rendered and also has a Welsh slate roof that reaches unbroken up to the eaves of the main body of the chapel. While the lean-to is a later addition to the original early 19th century chapel, the Council has identified from historic mapping that it is at least late 19th century in date. Further, it appears from the photographs and the exposed brickwork that the removed sash window was a traditional feature that was contemporary with the lean-to. In comparison, the lobby is likely to have been a more recent extension.
10. The interior of the main body of the chapel was considerably altered when the residential conversion occurred during the 1970s, with there now being several rooms accessed from a central corridor and a staircase providing access to a similar first floor arrangement. However, irrespective of the alterations over time, including its change of use, I consider that the significance and special interest of the listed building is derived largely from its architectural and historic interest as a detailed and attractive former place of worship.

Contributing factors in this regard include its overall form, pattern of fenestration and traditional material detailing as well as the legibility of the building's adaption and evolution during the 19th century. Prior to the recent alterations, the lean-to including its windows and materials added to the physical narrative of the building, indicating a Victorian phase of works and contributing to the significance and special interest of the listed building.

11. The conservation area covers a relatively large part of Saffron Walden including its historic core. According to the Council's Conservation Area Appraisal², the area includes buildings dating from as early as the 11th century. The special interest and significance of the conservation area as a whole is therefore informed by its historic origins, and the richness, quality and architectural variety of the townscape that tells of its evolution over many centuries.
12. For the purposes of the Conservation Area Appraisal, the conservation area is divided into six zones, with the site in one that developed in the 19th century and is dominated by a large hospital (now the Council offices), in which walls play an important function in contributing to the character of the area. The form and materials of The Old Chapel, as well as its former use as a place of worship, add value to the varied townscape and story of the 19th century development of Saffron Walden. It therefore contributes positively to the character and appearance of the conservation area as a whole.
13. According to the existing ground floor plan, the internal wall that was removed separated the lean-to and the main body of the chapel, except for a single doorway opening leading from an internal corridor. The proposed plans show the removal of that wall albeit with a column and beam also included to support the opening. Furthermore, the proposed plans show the replacement of the lobby and the sash window with a three-section doorway with partially glazed and panelled timber doors, with the remaining opening blocked up and rendered. The proposed development and works would also include the insertion of three 'conservation' type rooflights within the sloping roof of the lean-to, and the removal of the lean-to's flat kitchen ceiling to provide a vaulted ceiling with existing rafters retained with new ones installed. Additionally, within the main body of the chapel, some of the modern partition walls would be removed and existing doorways would be infilled or removed.
14. Based on its position and thickness, it seems likely that the wall that separated the kitchen from the living room formed an original external wall of the chapel. There is no evidence that the original chapel wall was altered when the lean-to addition was constructed except for where the doorway was made, and the wall would have provided a clear delineation of where the 19th century lean-to was added. Although small sections of wall are shown as being retained between the kitchen and living areas, and even with a beam and support column in place, the creation of the open layout as shown on the proposed plans would blur the relationship between the original building and the previously distinct lean-to addition. This would undermine the legibility of the original plan form of the building and result in a sizeable loss of fabric dating from the earliest phase of the building.
15. Furthermore, the loss of the sash window and insertion of a wider opening within the lean-to constitute a further loss of Victorian fabric and fenestration. Moreover, even if the proposed rooflights were flush with the roof slope, their

² Saffron Walden Conservation Area Appraisal and Management Proposals 2018

insertion would create three openings that would undermine the roof's architectural and material integrity. Together with the proposed three-section doorway the large rooflights would contrast poorly with the building's prevailing traditional fenestration arrangement.

16. I consider that the lobby, the modern partition walls and internal doors within the main body of the chapel were and are of limited interest and their proposed removal would not be harmful. The proposed removal and replacement of the kitchen units is also not objectionable. Even if the details and method of affixing insulated plasterboard to the interior walls and the addition of new rafters to support the lean-to addition's roof could be controlled by conditions, overall the proposed works and development would weaken the legibility of the physical narrative of the building, and results in the loss of traditional windows and materials that are indicative of a Victorian phase of works. Consequently, overall, the proposed development and works fail to preserve the special architectural and historic interest of the building and conflict with sections 16(2) and 66(1) of the Act.
17. In respect of the conservation area, the orientation of the building relative to London Road and the high degree of containment provided by the site's boundaries would limit the prominence of the proposed development and works. The rooflights, however, would be seen from the adjacent footpath and car park. Even though public vantages would be limited, where seen the rooflights would weaken the authenticity of a building that contributes positively to the varied townscape and story of the 19th century development in Saffron Walden, causing some very small residual harm to the character and appearance of the conservation area as a whole, in conflict with section 72(1) of the Act.
18. 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. Bearing in mind the scale and nature of the proposed development and works, in the context of the listed building and the conservation area as designated heritage assets, the harm in each case would be less than substantial in the terms of the Framework. Paragraph 202 of the Framework sets out that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.
19. The removal of some of the partition walls within the main body of the chapel would not involve any loss of historic fabric or plan form but create a more open configuration more akin to the pre-1970s layout. Similarly, the removal of the lobby has better revealed a sash window to the cloakroom in the main body of the chapel. In addition, there would be some investment into the fabric of the building, along with some small economic benefits associated with the construction phase. Improvements to the building's thermal efficiency and carbon reduction measures may offer wider public benefits, however, there is nothing to suggest that this could not be achieved without the harmful elements of the scheme. Other benefits, such as improving the circulation of and daylight to the living spaces would accrue to the occupiers and be private rather than public benefits.
20. Overall, I do not consider the sum of the public benefits of the proposed development and works would be sufficient to outweigh the considerable

importance and weight that even less than substantial harm to a designated heritage asset carries. The scheme would thereby conflict with the heritage policies within section 16 of the Framework, and policies ENV1 and ENV2 of the Uttlesford Local Plan, which state 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. Consequently, in respect of Appeal A, the proposal would not be in accordance with the development plan as a whole.

Other Matters

21. The appeal site is proximate to other listed buildings, including the adjacent Council offices. Owing to the discrete and enclosed nature of the appeal site, I do not consider the harm identified would adversely affect the settings or special interest of nearby listed buildings, which would be preserved. However, a lack of harm in this respect does not affect my overall conclusions.

Conclusions

22. For the reasons given and having regard to all matters raised, both Appeal A and Appeal B should be dismissed.

Mark Philpott

INSPECTOR