



Appeal Decision

Site visit made on 14 August 2023

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2023

Appeal Ref: APP/Z1510/Y/22/3310462

30B High Street, Halstead, Essex CO9 2AP

- 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 and Mrs Heyes against the decision of Braintree District Council.
 - The application Ref 22/00933/LBC, dated 8 April 2022, was refused by notice dated 4 July 2022.
 - The works proposed are addition of a 32mm gas pipe fitted externally to façade.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site relates to 30B High Street, which is a flat that forms part of a Grade II listed building¹ within the Halstead Conservation Area. I have therefore been mindful of my statutory duties in respect of sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which are reflected in the main issues identified below.
3. The Braintree District Local Plan 2013-2033 (LP) was adopted following the Council's decision. Both the appellants and the Council have had an opportunity to consider any implications arising from the change to the development plan during the appeal process.

Main Issues

4. The main issues are whether or not the proposed works would preserve the listed building or its setting or any features of special architectural or historic interest which it possesses, and whether or not the character or appearance of the conservation area would be preserved or enhanced.

Reasons

5. The listed building is located mid-way along and fronts onto High Street, which features a high proportion of varied historic buildings with commercial uses predominantly at ground floor level and seemingly residential accommodation above. An alleyway beside the site provides access to the rear of the building and No 30B, which is located on the first and second floors and principally above an estate agent's offices.
6. According to the statutory list description, the listed building dates from the early 19th century, comprises three storeys with shops at ground floor level, is

¹ List Entry Name: 28, 30A and 30B, High Street; List Entry Reference: 1122442

timber framed and plastered with a grey slate roof, and features end pilasters with double hung sash windows with glazed margins. Additionally, the front elevation features a rainwater downpipe affixed partially in front of one of the pilasters, and paraphernalia including cables that are mostly above the opticians at No 28, and alarm boxes. The special interest and significance of the listed building as a whole, insofar as it relates to the appeal, is derived primarily from it being an authentically constructed and detailed traditional high street building. This is underscored by the architectural interest of the sash windows and the pilasters, and its group value as part of a row of varied historic buildings along High Street. No 30B is an integral part of the building and thus contributes to its significance and special interest as a single entity.

7. The conservation area contains a relatively large part of Halstead, including its historic core. The special interest and significance of the conservation area as a whole is informed by the richness, quality and architectural variety of the townscape. High Street features a concentration of varied historic buildings and thus is a particularly important component of the conservation area in those regards. The listed building shares features such as traditional sash windows with nearby historic buildings, and its form and detailing add value to the townscape. It therefore contributes positively to the character and appearance of the conservation area as a whole. Further, as part of the building, No 30B contributes to the conservation area's character and appearance.
8. The proposed works would entail the installation of a 32mm diameter gas pipe that would extend from the ground beside the rainwater downpipe up to second floor level, and across the façade under the sill of the adjacent sash window to the sill of the following one. The pipe would be painted to match the colour of the façade.
9. The part of the pipe beside the downpipe would be limited in prominence due to its narrow width, position and colour, but it would nevertheless be evident on the building and a utilitarian feature. Additionally, the horizontal part of the pipe would be more prominent, particular where it would appear to bridge the gap between the two second floor sash windows. That area of the façade is currently undisrupted by cabling or other such things. The pipe would therefore draw views and detract from the sash windows. Moreover, the horizontal part of the pipe would cut across and detract from the verticality of the pilaster. Furthermore, the appellants indicate that the pipe would enter the building through the sash window, and therefore some loss of historic fabric would occur. Given that no detail has been provided regarding this aspect of the scheme, I cannot be certain that this work could be made satisfactory by conditions. For these reasons, the scheme would be detrimental to the building's special interest and significance.
10. The paraphernalia currently in situ on the façade does not contribute positively to the special interest or significance of the listed building and therefore its presence does not justify the harm identified. Moreover, the proposed pipe would have cumulative impacts with the existing paraphernalia such that the façade would appear cluttered.
11. Overall, the proposed works would fail to respect the detailing of the façade and the fabric of the listed building, which are of value to its special interest and significance as an entity. The scheme would thus fail to preserve the listed

building as a whole. The works would therefore conflict with section 16(2) of the Act. Similarly, the significance of the building would be harmed.

12. I note that many other historic buildings along High Street feature similar paraphernalia on their façades. Furthermore, whilst the proposed works would be evident on the listed building in localised views and harmful to it, the scale of the works are such that there would be a negligible impact on the wider townscape within the conservation area. Schemes must be judged according to their effect on a conservation area as a whole and, in that context, the proposed works would not be so prominent that the conservation area would be harmed. Accordingly, the character and appearance of the conservation area would be preserved in alignment with section 72(1) of the Act, and the significance of the conservation area would not be adversely affected. Nevertheless, the harm to the listed building would remain.
13. 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. Having regard to the scale and nature of the proposed works, the harm to the listed building 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.
14. The appellants put forward that the storage heaters used to heat the property are inefficient and costly for the occupiers of the rental property, and that the proposed works would be the only economically viable option and have the most positive impact on the flat's energy performance.
15. There would be some public benefits arising from a more efficient heating system. However, detailed viability and energy performance information has not been provided to corroborate the appellants' claims. In addition, the evidence does not indicate that the accommodation is unsatisfactory or the listed building is deteriorating due to the current storage heaters, or thus that works are needed to maintain the optimum viable use of the flat as residential accommodation. Moreover, even if the evidence did firmly indicate that the installation of a pipe on the façade was necessary, there is no evidence that it would need to extend across to and enter the building via the window selected for this scheme and not the one nearer the downpipe, which serves the same room. Accordingly, I am not convinced that the proposed works would be the least harmful way of achieving the public benefits identified.
16. The public benefits that would arise from the scheme are limited. In contrast, even the less than substantial harm to the listed building as a designated heritage asset must carry considerable importance and weight. Overall, the sum of the public benefits is insufficient to outweigh the harm that would be caused to the listed building.
17. In conclusion, the works would fail to preserve the listed building as a whole and the features of special architectural or historic interest which it possesses, contrary to the Act and the historic environment protection policies within the Framework. Additionally, insofar as it is relevant as a material consideration, the scheme would conflict with LP Policy LPP57, which sets out that alterations to designated heritage assets will be permitted where the tests set out in national policy are met.

Other Matter

18. The site is proximate to other listed buildings. However, as per my assessment regarding the effects of the scheme on the conservation area, the scale of the proposed works is such that the special interest, settings and significance of nearby listed buildings would not be adversely affected, but instead be preserved. However, a lack of harm in this respect does not affect my findings in respect of the main issues.

Conclusion

19. For the reasons given, and having regard to all matters raised, the appeal is dismissed.

Mark Philpott

INSPECTOR