



Appeal Decisions

Site visit made on 7 July 2023

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal A Ref: APP/X1545/W/22/3308390

Walnut Cottage, 16 Totham Hill Green, Great Totham, Essex CM9 8DX

- 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 J Youell against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/22/00520, dated 7 April 2022, was refused by notice dated 14 July 2022.
 - The development proposed is described as: 'Rear and side single storey extension. New detached single bay garage'.
-

Appeal B Ref: APP/X1545/Y/22/3308401

Walnut Cottage, 16 Totham Hill Green, Great Totham, Essex CM9 8DX

- 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 J Youell against the decision of Maldon District Council.
 - The application Ref LBC/MAL/22/00521, dated 7 April 2022, was refused by notice dated 14 July 2022.
 - The works proposed are described as: 'Rear and side single storey extension. New detached single bay garage'.
-

Decisions

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. The appeal site is referred to as Walnut Cottage on the application form and this is reflected in the above headings; however, it is clear from the evidence that the proposed development and works relate to Walnut Tree Cottage.
3. Walnut Tree Cottage, together with its attached neighbour Bean Cottage, are a Grade II listed building¹. I have borne in mind my statutory duties in respect of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and the effect of the scheme on the listed building as an entity. Following my site visit, the main parties were given an opportunity to clarify their positions in respect of several matters, which I have taken into account in deciding these appeals.

Main Issues

4. The main issues are: whether or not the proposed development and works would preserve the listed building or its setting or any features of special architectural or historic interest which it possesses; and, in respect of Appeal A

¹ Identified in the statutory list as: Bean and Walnut Tree Cottages, Totham Hill Green; List Entry Number: 1337336

only, the effect of the proposed development on the character and appearance of the area.

Reasons

5. Walnut Tree Cottage and Bean Cottage front Totham Hill Green, which is a narrow country route that runs through the rural settlement of Great Totham. The listed building is timber framed, features a plain tiled gambrel roof with neat catslide dormers, and has an 18th century core. A number of alterations have occurred throughout the listed building's history, including replacement windows and side and rear extensions. Notably, within Walnut Tree Cottage, there has been a change of the internal plan form through the creation of openings in the wall that separates the kitchen from the front rooms. Despite the alterations, legibility of the listed building's historic fabric and internal arrangement, along with its modest, compact proportions, are still appreciable and contribute to its special interest and significance as a pair of traditionally constructed vernacular rural cottages.
6. The cottages both sit within verdant gardens. A side projection, brick wall and detached garage are present between the principal part of Bean Cottage and its side boundary, which provide a sense of enclosure. Although Walnut Tree Cottage also features a side projection, its side garden is comparatively open and spacious, even though its side boundary features post and rail fencing and taking into account that new planting there will increase in height. The site's side garden provides an open, spacious and verdant setting that contributes positively to the listed building's special interest and significance.
7. Residential properties of varying ages and designs are located fairly regularly along Totham Hill Green, and a relatively large dwelling is being constructed adjacent to the site. Within this context, Walnut Tree Cottage is read as a traditional, modest cottage of some age and its garden provides a degree of spaciousness along the route. Additionally, there is an open, spacious and verdant feel to the south of the site as the village gives way to countryside which, as with the garden, adds to the authenticity of the listed building's rural origins and thus special interest and significance. Furthermore, the attributes of the listed building and the site's side garden contribute positively to the rural setting of the settlement and the character and appearance of the area.
8. The existing single storey side and rear projections from Walnut Tree Cottage are ostensibly later additions, such that their proposed removal would not harm the listed building's special interest or significance. However, the proposed side extension would be taller and more than twice the width of the existing projection and over half as wide as the historic core of the cottage. In addition, the rear extension would be very large relative to the existing one, and particularly the footprint of the listed building originally. Consequently, the side and rear extensions, both taken individually and when considered together, would be disproportionate to and undermine the modest and compact proportions of the listed building.
9. Furthermore, the proposed side extension would be clearly visible from Totham Hill Green towards the front of the site and, together with the proposed garage and wall, detract from the appreciation of the listed building's distinctive gambrel roof form, which is particularly visible looking towards the gable end from the south. These elements of the scheme would also infill part of the

garden and extend across most of the width of the site, and thus provide a sense of enclosure and diminish the listed building's open and spacious setting.

10. Internally, the alterations to the wall that separates the front rooms and the kitchen would likely entail the loss of fabric that probably formed the external rear wall of the cottage historically. In addition, some harm would arise from the creation of the new wall at the bottom of the staircase to separate the inner hall and ground floor bedroom, as this would adversely affect the legibility of the historic core of the cottage. However, I note that Walnut Tree Cottage's existing metal framed windows and fireplaces are seemingly not original features nor particularly sensitive to the rural cottages' origins such that their removal would be beneficial.
11. There are several examples of black weatherboarded buildings in the vicinity, including at Honeysuckle Cottage opposite the site, which reflects the rural vernacular of the area. Subject to a condition to require the use of side-hung garage doors, the design of the garage would be compatible with the rural character of the listed building. Further, the proposed wall would be a small scale addition that, taken on its own, would not compete with the listed building. However, the harm that would be caused to the open and spacious setting of the listed building by these elements, together with the proposed side extension, would nevertheless remain.
12. The presence of a garage on the site at some point historically does not justify, and additional or more mature planting and the use of alternate materials for the proposed wall would not mitigate, the harm such that these issues would be overcome. I acknowledge that the roof form and materials of the proposed side extension would reflect the existing cottage, and the roof form and contemporary design of the rear extension would enable it to be read as a distinct modern addition and the rear of the cottage to be appreciated. However, these matters would not address the issues identified. While the proposed side extension, wall and garage would provide a semblance of symmetry with those features at Bean Cottage, their proportions and positions differ between the properties and thus are not directly comparable. Moreover, the scheme would have different impacts to the alterations to Bean Cottage due to the site's more open and spacious garden and its prominence on approach from the road.
13. Drawing the above together, whilst there would be some enhancements to the listed building, this would come at the cost of its modest and compact form, historic fabric and open and spacious setting. The scheme would thus fail to preserve the listed building, its setting and the features of special architectural and historic interest that it possesses. The significance of the listed building would also be harmed.
14. Additionally, in respect of the second main issue exclusive to Appeal A, the scheme would cause new additions to dominate Walnut Tree Cottage, undermining legibility of it as a traditional, modest and compact cottage and its open and spacious garden. There would consequently be harm to the character and appearance of the area.
15. For the reasons given, the scheme conflicts with sections 16(2) and 66(1) of the Act. In this case, the degree of harm to the listed building would be less than substantial in the terms of the National Planning Policy Framework (Framework). Paragraph 202 of the Framework advises that where a scheme

will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the scheme's public benefits including, where appropriate, securing the heritage asset's optimum viable use.

16. There would be benefits arising from the replacement windows and the removal of the fireplaces, which taken individually would have positive impacts on the special interest and significance of the listed building. There would also be some benefits from the investment into the fabric of the listed building more generally given that much of the interior is in a tired condition, and from the construction process in economic terms.
17. The appellant is in discussion with a third party regarding the removal of a large timber stay to an electricity pole towards the front of the site. Although its removal may result in a very slight improvement to the appearance of the site, this does not expressly form part of the scheme and, moreover, no means of securing the removal of the stay has been put forward. As such the matter does not constitute a benefit that would be delivered through the scheme. In addition, it has been put forward that the scheme would improve the layout and circulation of the cottage and, unlike the existing cottage, provide sufficient living accommodation for a modern family. However, these benefits would accrue to the occupiers and there is no indication that the overall scale, nature and form of the scheme would be the least harmful way of achieving those benefits.
18. Taken together, the public benefits that would arise from the scheme are modest. 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.
19. The scheme therefore conflicts with Section 16 of the Framework, which seeks to conserve and enhance the historic environment. It also conflicts with policies D1, D3 and D4 of the Maldon District Approved Local Development Plan 2014-2029 which, amongst other things, echo the Framework's approach to designated heritage assets, and set out that schemes should respect and enhance character and local context including the historic environment and make a positive contribution to the character of original buildings and their surroundings.
20. Furthermore, in respect of Appeal A, the proposed development is contrary to the development plan taken as a whole, and material considerations do not indicate that a decision should be reached otherwise than in accordance with the development plan.

Other Matter

21. Another Grade II listed building, Croft Cottage², is located in excess of 50 metres from Walnut Tree Cottage beyond the dwelling being constructed adjacent to the site. Due to the distance between the proposed scheme and Croft Cottage and the presence of the intervening dwelling, I am satisfied that the setting, special interest, and significance of Croft Cottage would be

² List Entry Number: 1308880

preserved. A lack of harm in this respect, however, 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