



Appeal Decision

Site visit made on 25 September 2023

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2023

Appeal Ref: APP/C1570/Y/23/3318988

Pear Tree Cottage, Cherry Green, Broxted, Essex CM6 2DD

- 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 Howard Roberts against the decision of Uttlesford District Council.
 - The application Ref: UTT/22/3017/LB, dated 4 November 2022, was refused by notice dated 22 February 2023.
 - The works proposed are installation of 19 no. solar panels on east facing roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As the appeal relates to listed building consent, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Given the length and content of the description used on the application form I have used the description from the appeal form and decision notice in the banner heading above as it provides a clearer and more concise description.

Main Issue

3. The main issue is whether the proposed works would preserve the special architectural and historic interest of Pear Tree Cottage, a Grade II listed building, and its setting.

Reasons

4. The building was listed in 1981. It is a timber framed and plastered house of a single storey with attic under a thatched hipped roof which has been dated to the 17th century. The building has a large two storey rear extension dating from the early 1970's under a part concrete, part clay plain tiled roof of a contrasting grey and red appearance. A more recent double garage, with a red pantile roof, has been erected adjacent to the north-eastern corner of the building.
5. I observed that in terms of setting Pear Tree Cottage is also part of a group of three similar buildings, with The Old Forge and Chaureth Cottage located in proximity on either side of the building; those buildings are also Grade II listed. These buildings are of a similar age and architecture, forming a small but cohesive group being fine examples of locally distinctive rural dwellings. The

- substantial grounds associated with Boreham Hall Farmhouse; a Grade II listed building adjoin part of the eastern boundary.
6. The special interest of the appeal building, insofar as it relates to this appeal, is the architectural, aesthetic, and historic value derived from the traditional forms and materials used and as repositories of past building traditions and technologies. It also has a valuable aesthetic quality within a retained agrarian hamlet setting. This setting adds to the significance of the assets because their historic connection can be readily appreciated.
 7. I acknowledge that the proposal would be sited on a side facing roof plane of the rear extension and would not be visible from the garden. At the time of my visit mature trees along the side and rear boundaries of the property were still in leaf. As such, only glimpses of the proposed works from the gardens of neighbouring buildings and the farmland to the south would be possible although the solar panels might be more apparent at other times of the year.
 8. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public or private views of the building can be gained. Further, the contribution that setting makes to the significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting.
 9. The proposal would cover the majority of the roof slope. Introducing an alien shape, texture, and reflective quality onto the roof and installed close to the attractive thatch the black colour and reflective appearance would sit in stark contrast with the thatch and the dull grey concrete tiled roof of the extension. Such incongruity would be exacerbated by the depth of the panels which would sit on brackets protruding above the roof slope and by the awkward arrangement around the existing chimney.
 10. I also observed that the two storey extension is already a component of the building that contrasts with the historic timber framed and thatched element. The proposal would reinforce the contrasting appearance of the newer extension introducing a further discordant element to the roof configuration of this historic building. This would harmfully detract from the traditional design and materials of the building. As such the proposed solar panels would diminish the special architectural and historic interest of the building and detract from its setting.
 11. The National Planning Policy Framework 2021 (the Framework) advises that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting. Any such harm should have a clear and convincing justification. In the terms of the Framework, I find the harm from the works (which are also development) to be less than substantial in this instance but nevertheless of considerable importance and weight.
 12. Under such circumstances, the Framework advises that the harm should be weighed against the public benefits of the proposal. The proposal would generate sustainable electricity and allow the appellant to reduce their carbon footprint, their dependence on the National Grid and contribute to efforts against climate change. This is a notable public benefit, which is limited given the scale of the proposal, but it weighs moderately in favour of the scheme.

There would also be small economic benefits accrued through the installation stage.

13. Alternative options have been considered following the refusal of consent for a similar scheme¹ but discounted due to a variety of siting considerations including affecting outlook, being overshadowed by trees, unacceptable effects on the special interest of the building, and personal interests. Given the size of the curtilage to the front and an area of flat crown roof on a single storey extension on the eastern elevation, I am not entirely convinced all options have been fully considered but, in any event, I have considered the proposal on its merits and found it to be harmful for the reasons given. The impact would be reversible but there is nothing to suggest the intention is for the panels to be temporary. The works would not physically damage historic fabric, but there would be harm to the special interest of the listed building, nonetheless.
14. Taking everything together the public benefits are not sufficient to outweigh the considerable importance and weight that I must give to the less than substantial harm that would occur.
15. For these reasons, the proposal would fail to preserve the special architectural and historic interest of Pear Tree Cottage, thus failing to satisfy the requirements of the Act, the Framework and development plan policies insofar as relevant.

Other Matters

16. My attention has been drawn to consent for the installation of photovoltaic panels on the roof of King's Chapel, Cambridge. However, that proposal appears to have been part of a wider scheme for conservation works to the chapel's roof, with different and bespoke, site-specific considerations and judgments that would have had to be made. Therefore, there would have been different effects and benefits to be weighed in the balance for that scheme. On the evidence before me it is not directly comparable to the proposal before me and does not alter my view to dismiss the appeal.
17. It is not determinative that the Council may have once planned to install solar panels in its own housing stock as no details of that scheme or its effects are before me. Each case must also be determined on its own merits and such a consideration does not alter my view in relation to the balancing exercise I have undertaken.

Conclusion

18. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

¹ LPA ref: UTT/22/1507/LB.