



Appeal Decision

Site visit made on 14 November 2023

by R Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2024

Appeal Ref: APP/Z1510/D/23/3318951

Howbridge Hall, Howbridge Road, Witham, Essex CM8 1DA

- 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 Clare and Andy Tunningley against the decision of Braintree District Council.
 - The application Ref 22/02878/HH, dated 26 October 2022, was refused by notice dated 3 February 2023.
 - The development proposed is described as '*demolition of Loggia and other minor elements, building of new extension in its place to create a contemporary connection to the dovecote building and provide a more suitable kitchen. Upgrading and insulation of the dovecote building along with a proposed conservation extension to the courtyard of the dovecote*'.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. The application was made on a dual application form seeking both planning permission and listed building consent for works and alterations to a dwelling. The submitted appeal form is for a householder planning appeal and gives the s78 application reference. Further, although the delegated report refers to both applications, it is only the s78 decision notice that is before me and no s20 appeal or associated documents have been submitted. I have therefore determined the appeal on the basis that it is a s78 appeal against the refusal of planning permission.
3. As the appeal relates to Howbridge Hall, a Grade II listed building I have had regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Although the first reason for refusal refers to section 72(1) of the Act, the delegated report confirms that the site falls outside of a conservation area, and I have therefore determined the appeal on that basis.
4. On 19 December, the Government published a revised National Planning Policy Framework (the Framework). The revised Framework was accompanied by a written ministerial statement. I gave the parties an opportunity to comment on their significance for the appeal and have determined the appeal accordingly.
5. Paragraph 200 of the Framework requires applicants to describe the significance of any heritage assets, such as listed buildings, which may be affected by a scheme. It goes on to advise that this should be proportionate to the assets importance and sufficient to understand the potential impact of a

scheme on its significance when assessed using appropriate expertise. The Council's second reason for refusal contends that such work has not been undertaken. Despite an offer from the appellant to provide further information on significance, the onus is on them to provide such information up front. Nonetheless, I am satisfied that I have sufficient information on which to make a decision on the appeal, including from my own observations at the site visit.

6. My attention has been drawn to a recent appeal on the site¹ following the refusal of a similar proposal. Whilst this is capable of being a material consideration, that evidence is not before me and neither party has provided any update as to the outcome. In reaching my decision I have therefore been concerned only with the individual merits of the appeal scheme in relation to the relevant policies and evidence before me.

Main Issue

7. The main issue is whether or not the proposal would preserve Howbridge Hall, a Grade II listed building, and any features of special architectural or historic interest that it possesses.

Reasons

8. The listed building comprises a substantial two storey house linked by a loggia to a single storey dovecote annexe. The house is set within large grounds and accessed from a driveway that extends from Howbridge Road on its southeastern side. Parts of the building are somewhat secluded due to mature landscaping to its boundaries, but I observed the southeastern elevation was clearly visible from Pattinson Close and a large, grassed area of publicly accessible open space that separates the property from the close.
9. The listing description identifies that the house was built around 1580, is timber framed and plastered, with 18th century fenestration including double hung sashes, a doorway with pilasters and a flat cornice hood, detailed chimney stacks and a panelled interior. Timber framing is also visible internally, including in the loggia and dovecote and the layout of the main building is defined by discrete rectangular rooms.
10. The house, loggia and dovecote form three sides of a courtyard and the dovecote is just one of a number of alterations which have occurred to the listed building over time, subsuming outbuildings into the living accommodation. The loggia is an interesting addition that is part of the 20th century interventions. It is relatively small, narrow and open side which allows the main building and dovecote to be read as originally separate elements and also allows for appreciation of the courtyard facing elevations. This includes the two storey gabled cross wing that is prominent in public views and from the driveway.
11. The significance and special interest of the listed building derives from its architectural and historic interest as a traditionally constructed dwelling with a 16th century core and its later alterations. Its form, fenestration, materials, internal arrangement and surviving historic fabric contribute to its special interest and significance.

¹ Part K of the appeal form.

12. Dealing with the external alterations and extensions first, the development would replace the existing loggia link between the house and the annexe building. Whilst a comparatively modest increase in floor area, the existing link is set at a much lower level and therefore retains a sense of openness allowing for an appreciation and understanding of the building, in particular its prominent northeastern elevation.
13. The proposal would materially change its footprint and form, increasing its height and incorporating a much larger pitched roof with a flat roofed element. The ridge of the infill extension would also extend to just below the eaves of the main building and it would be taller than the roof of the dovecote. The development would subsume the dovecote annexe into the main building and the distinction between the ancillary/service function of the outbuilding and the formal domestic character of the main building would be harmfully eroded.
14. The extension would mask the pargetting of the northeastern gable and in certain views, an historic first floor window. The introduction of a pair of triangular shaped windows in the gable and two rooflights in the flat roof element, would not reflect existing fenestration and the former would be evident from public viewpoints. The four rooflights in the eastern facing roof slope would be clearly seen from the east and would be visually jarring additions seen against the historic fenestration of the main building, harmfully eroding the appreciation of its architectural qualities and interest.
15. The building's formal access appeared to me to be from the southeastern front elevation facing Howbridge Road. The addition of a more formal and distinct flat roof porch entrance to the side would alter the understanding and appreciation of this. Its height would partially obscure the pargetting on this elevation and the flat roof would introduce an incongruous roof form.
16. Turning to the internal alterations, the installation of additional insulation in the dovecote could potentially result in a loss of fabric. Whilst the details are limited this is a matter which could be resolved by conditions, were the appeal to be allowed. However, in the main building the appellant refers to what would be minor internal reconfiguration works that would not affect historical elements but there is no substantive evidence to indicate this would be the case. An expanded opening would be formed by removing an existing window to create a wider access into a morning room. There would also be alterations to the existing kitchen which would be converted to a utility and cloak room with new interior walls. Two existing ground floor windows would also appear to be removed in the northeastern facing ground floor elevation.
17. These changes would appear to result in the loss of some historic fabric and have not been fully justified. There would also be significant changes to the floorplan and the creation of a much larger open plan layout would markedly contrast with the much smaller configuration of ground floor living accommodation within the main core of the building. Even if I were to agree with the appellant regarding the effect on significance of these changes, the incongruity of the proposed extension would be harmful to significance and fail to preserve the special and architectural interest of this particular building.
18. For these reasons, the proposal would fail to respect the form, proportions, layout, fabric and detailing of the listed building, and the legibility of the house and the dovecote as originally separate buildings, failing to preserve the special interest of the listed building. In Framework terms the harm to the significance

of the listed building would be less than substantial. Paragraph 208 of the Framework sets out that this harm should be weighed against the public benefits of the scheme including, where appropriate, securing the asset's optimum viable use.

19. The building and dovecote feature an irregular layout, with small rooms and changes in floor levels. The replacement of the loggia would provide a larger open plan space with direct access to the courtyard and would therefore result in some improvements to quality of life and accessibility benefits for a family member who is registered blind. Although these benefits would not equate to wider public benefits there would also be some small economic benefits associated with the construction and investment process.
20. The less than substantial harm to the significance of a designated heritage asset that I have identified carries considerable importance and weight. Overall, the public benefits would be insufficient to outweigh the harm that would be caused to the significance of the listed building.
21. Given the above I conclude that, on balance, the proposal would fail to preserve the special interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, the Framework and conflict with Policies LPP36, 47, 52 and 57 of the Braintree District Local Plan 2013-2033. When taken as a whole and amongst other things these require the design, siting, bulk and form of a residential alteration or extension to be compatible with the original dwelling, of a high standard of design and layout, have no unacceptable adverse impact on any heritage asset and only permitted where the tests set out in national policy are met. As a result, the proposal would not be in accordance with the development plan.

Other Matters

22. I have had due regard to the Public Sector Equality Duty contained in s.149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Since there is the potential for my decision to affect the living conditions of persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act.
23. The duty does not compel a particular outcome and due regard is the regard which is appropriate in consideration of the circumstances of the particular case. I have no substantive evidence before me that indicates that the development must be of the size or design that is proposed or that the proposal would be the only means of securing such improvements. A decision to dismiss this appeal does not mean any other alternative would also be unacceptable. Whilst the quality of life and accessibility considerations have been duly considered the permanent harm that this proposal would bring to a designated heritage asset would outweigh any potential negative impacts on those protected characteristics.

Conclusion

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

Richard Aston

INSPECTOR