



Appeal Decision

Site visit made on 20 February 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 18th March 2024

Appeal: APP/Z1510/Y/23/3325037

Kings Head, Chapel Road, Ridgewell, Essex CO9 4RU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Miss Michelle Renouf against the decision of Braintree District Council.
 - The application (Ref: 23/00646/LBC), dated 9 March 2023, was refused by notice dated 14 June 2023.
 - The works proposed are removal of wall between the kitchen and utility room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the works provided in the application form contained much that described the reason for the proposed works. I have, therefore, used the description of works provided in the decision notice in the banner heading above as this provides greater clarity in identifying the extent of the proposed works.
3. As the appeal relates to a listed building consent I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
5. In determining this appeal I have had due regard to the Public Sector Equality Duty (PSED) contained in section 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. From the evidence, my decision has the potential to affect persons with a protected characteristic for the purposes of the PSED.

Main Issue

6. The main issue is whether the proposal would preserve a Grade II listed building, "The King's Head Public House" (Ref: 1317244) (the LB), and any of the features of special architectural or historic interest that it possesses.

Reasons

7. The LB dates from around 1500 with alterations in the 19th and 20th centuries. It is a timber framed jetty house, but at some point, when the main façade was extended in the 18th/19th centuries, the jetty was underbuilt by the addition of a brick facing. The interior retains jowled posts with exposed framing, heavy studs, plain-chamfered axial beams with plain stops and unchamfered joists of horizontal section jointed to beams with unrefined soffit tenons.
8. The building was originally a private dwelling and was converted in the 19th century to a public house, leading to the extension of the building to facilitate its new use. Recently the building has returned to residential use and interior alterations, with the benefit of Listed Building Consent, have been undertaken to facilitate this change. The building retains a significant proportion of its historic fabric and this facilitates the legibility of its phasing and the changing functions of its spaces throughout its lifetime.
9. Given the above, I find the special interest of the building, insofar as it relates to this appeal, to be primarily associated with its evidential value as indicated by the historic fabric and associated craftsmanship, which has evolved over time to reflect its changing functions. I find that the legibility of these elements directly contributes to the special interest of the building.
10. The internal wall, which is the subject of this appeal, has been removed, however some of the fabric of the wall has been retained and stored on site. There is no dispute between the parties that the removal of the wall and installation of works to make the building safe was necessary, following advice provided by the Council's Building Control Team and a structural engineer, as the wall was failing structurally. The Council is satisfied that the situation, as it now stands, was necessary and provides a defence against the provisions of Section 9, paragraph 3 of the Act. The dispute therefore lies in whether the wall can be permanently removed or must be replaced to mitigate any harm to the special interest of the LB.
11. The proposal would permanently remove the wall. This wall at one time formed part of the rear external wall of one of the 19th century extensions to the building and it is thought that the extension may have been linked to the change of the building's use to a public house.
12. The lower part of the wall was a brickwork plinth, with timber framing above which was finished with lath and render. At some time, a more modern serving hatch had been installed, linked to a later extension, and this had been infilled with breeze block. Nevertheless, photographic records show that much of the historic fabric of the wall had remained, and elements of this, particularly bricks, have been recovered from the demolition works. The wall thus contributed significantly to the evidential value of the LB in terms of both materials and layout.
13. It is understood that an oak beam supported by a steel plate has been installed, and I observed the works during my visit. At that time the steel plate remained visible, but the beam has been covered with fire boarding.
14. The wall provided separation between phases of the building and provided visual evidence of the staged development of the building. Its permanent removal reduces the legibility of the phasing of the building. This would erode

the previous perception of separation and undermine the appreciation of the phasing reflecting the different functions of areas and development, over time, of the building to reflect the developing needs of the residents and business.

15. The appellant has raised concerns that the use of heritage materials within a replacement for the wall would fail to meet current Building Regulations and safety requirements. In response to consultation, however, the Historic Buildings Consultant (HBC) refers to on-site discussions that identified a potentially satisfactory solution. I also note a willingness, on the part of the HBC, to reduce the extent of the wall, albeit that I have no details of such works and, in any case, they lie outside of the scope of this appeal.
16. The appellant has suggested that the removal of the wall is needed to satisfy the current functional needs of the family, including a disabled relative who will be moving into the property in the future, and wider gaps are required for circulation. Disability is a protected characteristic. The disabled person would benefit from wider spaces in doorways and other pinch points that restrict circulation. No minimum width of gap to fulfil this purpose has been proposed, however, it would seem to be considerably less than the total width created by the total loss of the wall.
17. The appellant further argues that, since the salvaged materials are solely in the form of bricks, and these in a poor condition, replacement of the wall would be of limited benefit. Whilst there may be a limited amount of historic fabric re-used in the replacement of the wall, the partitioning of the building remains of evidential value in understanding its importance as a heritage asset. Further, the re-use of as much of the historic fabric as possible, and use of suitable construction and materials reflective of the period of construction of the wall would still provide some evidential value even if it were not fully reinstated.
18. The appellant has indicated that they would experience difficulties in funding any further work to the building at this time. However, whilst I realise that this is causing the appellant great concern, that is not a planning matter.
19. Having considered the above, I find that the proposed development would fail to preserve the special interest of the LB. Consequently, I give this harm considerable importance and weight.
20. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have a clear and convincing justification. Given that the proposal would not cause extensive physical alteration of the building itself, and affects how it is experienced, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
21. Paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings.
22. The proposal would provide a larger room for the family's use, providing a more versatile space and allowing freer circulation within the building. However, the increased room size would be a private, rather than a public,

benefit. The continued use of the building is not dependent on this proposal as the present residential use would not cease in its absence. I thus find that there is no significant public benefit that would outweigh the harm that I have found to the LB.

23. Policy LPP57 of the Braintree District Council Local Plan 2013-2033 (2022) (the LP) seeks, among other things, to ensure that proposals affecting listed buildings meet the tests set out in national policy. The Council also refers to Policy LPP58 of the LP which seeks to ensure that the demolition, including partial demolition, of listed buildings is justified and supported by controls on the works.
24. Given the above, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the LB. This would fail to satisfy the requirements of the Act, paragraph 206 of the Framework and conflict with development plan policies insofar as is relevant.
25. I have had due regard to the PSED and found that the development could provide the opportunity to advance its aims by meeting the needs of a disabled person. However, set against the well-established and legitimate aim of the protection of the listed building dismissing the appeal is a proportionate response in this case.

Conclusion

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

I A Dyer

INSPECTOR