



Appeal Decisions

Site visit made on 1 May 2024

by D R McCreery MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2024

Appeal A: APP/C1570/W/23/3329113

Church End, The Cottage, Lindsell Lane, Essex, Lindsell, CM6 3QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Barnardo against the decision of Uttlesford District Council.
- The application reference is UTT/23/1506/HHF.
- The development proposed is single-storey side extension to form kitchen, with demolition of existing detached building and related alterations to form new internal opening to link extension to house.

Appeal B: APP/C1570/Y/23/3329118

Church End, The Cottage, Lindsell Lane, Essex, Lindsell, CM6 3QR

- 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 Mr & Mrs Barnardo against the decision of Uttlesford District Council.
- The application reference is UTT/23/1507/LB.
- The works proposed are single-storey side extension to form kitchen, with demolition of existing detached building and related alterations to form new internal opening to link extension to house.

Decision

1. Appeal A - the appeal is dismissed.
2. Appeal B - the appeal is dismissed.

Preliminary Matter

3. As the proposal relates to a Listed Building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

Main Issue

4. The main issue is whether the proposal would preserve a Grade II Listed Building, known as "House, North West of Old Vicarage" (Ref: 1112148) (the LB), and any of the features of special architectural or historic interest that it possesses.

Reasons

5. The listed building dates from around 1873 and is a rare surviving example of a timber-framed building originating from an important period of agricultural expansion. It is situated in a small village and has retained a strong rural setting as one of a number of dwellings scattered amongst fields. The main façade comprises a simple, symmetrical three bay arrangement which remains substantially intact. It has a pleasing architectural form which includes vertical sliding sashes, with an 8 over 8 pane arrangement predominating, a panelled door with a fanlight and a late 19th century, gabled wooden porch. Despite later additions, some of the historic rear elevation remains legible.
6. From the evidence before me, insofar as it relates to these appeals, the building's special interest is derived from the architectural form and features of the main façade, the legibility of its historic core and the relationship with the surrounding countryside.
7. The proposed addition would extend beyond the side wall of the historic core of the building. In doing so it would create an incongruent addition that, unlike existing extensions that are confined to the rear, would be clearly juxtaposed with the main façade. This would be the case notwithstanding the setback of the proposal from the front building line. This would create a competing addition that would unbalance the elegant symmetry of the frontage and erode its simple architectural appearance.
8. It would also lead to a loss of legibility of the historic building line to the rear of the building because it would further obscure what remains of the rear elevation of the historic core at ground level. As existing, the corner of this part of the building and a relatively small portion of the external rear wall can clearly be seen rising to first floor level. By obscuring the rear wall and corner, the proposed extension would lead to a loss of legibility that would not be mitigated by the very marginal gap that would be left between the corner of the historic building and the proposal.
9. The weatherboard cladding would differentiate the extension and other parts of the building. In principle, the materials could provide an appropriate contextual counterpoint for a small-scale extension, paying regard to the Appellant's evidence of local examples. However, the choice of materials does not overcome my fundamental concerns and the harm that would be caused.
10. The existing outbuilding does not merit retention and, to some degree, detracts from the principal building due to its proximity and appearance. However, it is visually interpreted as an ancillary structure that is physically and functionally separate to the building.

11. Whilst the proposal would have no greater west or northwards projection than the outbuilding it would have a fundamentally different relationship given its attachment to the principal building. Its greater massing would be more visually intrusive and disruptive in comparison.
12. Replacing the pitch of the roof of the outbuilding with something more architecturally coherent has some benefit in visual terms. However, this would not substantively mitigate the harm that would be caused.
13. Both parties have discussed the prominence of the proposed works in public views as a result of it being included as part of the reasons for refusal. Listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views of a building, or any alterations, can be gained. As such, I do not consider this matter further.
14. Internally, the new doorway leading to the extension would be inserted within the wall of a later addition. It would not result in the loss of historic fabric. The new opening would be modest in size and result in room proportions consistent with the existing building. The proposal would not affect the internal floorplan of the historic core of the building.
15. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
16. Paragraph 205 of the National Planning Policy Framework (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 say that any harm to, or loss of, the significance of a designated heritage asset from its alteration should require clear and convincing justification.
17. In this case, I find the harm to be less than substantial but nevertheless of considerable importance and weight. The Council categorise the proposal as being at a 'low level' of less than substantial harm. As the Framework makes no such distinction, they are wrong to do so and I do not follow this approach.
18. In these circumstances, paragraph 208 (Framework) advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
19. The appellant is of the opinion that the proposal would be beneficial because it would remove an unsympathetic outbuilding and lead to biodiversity enhancement. I accept that these would be public benefits. I give limited weight to the biodiversity enhancement because, while more than required in policy terms, they are nevertheless restricted in scope. I give limited weight to the removal of the outbuilding bearing in mind that its replacement with a more harmful alternative would result.

20. I do not find that the public benefits are sufficient to outweigh the harm that I have identified. I also note that the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
21. Given the above and in the absence of public benefits that would outweigh the harm that would be caused, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the listed building.
22. Given the above, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 203 of the Framework and conflict with policies ENV2, GEN2, and H8 of the Uttlesford Local Plan that seek, among other things, to ensure that development affecting a listed building is in keeping with its scale, character and surroundings. As a result, the proposal would also not be in accordance with the development plan.

Other Matters

23. The letter of support from the Parish Council is noted but does not contain any detailed considerations. It does not alter my conclusions on the main issue.

Conclusion

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

D R McCreery

INSPECTOR