



Appeal Decision

Site visit made on 23 April 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2024

Appeal Ref: APP/C1570/Y/23/3334696

White House, Bartlow Road, Hadstock, Essex CB21 4PF

- 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 and Mrs Stuart and Siobhan Gibson against the decision of Uttlesford District Council.
 - The application reference is UTT/23/1747/LB.
 - The works proposed are installation of 17 solar panels onto the south west elevation of the property on the pan tiled roof above the kitchen and two bedrooms. The system will also include an inverter and battery that will be installed inside the property within the utility room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description provided on the application form contained an unnecessary amount of descriptive text. I have, therefore, used the description of the works provided on the decision notice in the banner heading, as this defines the works more clearly.
3. As the appeal relates to a listed building consent and lies within the Hadstock Conservation Area I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Harm to the Conservation Area was not cited in the decision letter as a reason for refusal. Nonetheless, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Within their statements and supporting evidence the parties have commented on the effects of the proposal on the Conservation Area. Thus, no injustice will result by my consideration of the effect of the proposal on that heritage asset.
5. 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. The parties have, through the appeal process, had the opportunity to comment on the changes to the Framework. Consequently, I am satisfied that no party's interests have been prejudiced by my taking the revisions to the Framework into account in this decision.

6. There are several other Listed Buildings near the proposal site¹. However, both parties are in agreement that the proposal would not affect the settings of these. I find no reason to disagree with this and so I have not considered the effect of the proposal on these further.

Main Issues

7. The main issues are whether the proposal would preserve a Grade II listed building, "White House" (Ref: 1230378) (the LB), and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Hadstock Conservation Area (the CA).

Reasons

8. The CA, within which the LB lies, reflects its origins as a rural community. It is an intimate collection of vernacular buildings, varying in scale and design, in a verdant setting centred upon the junction of the roads passing through the village.
9. Of particular note is Bartlow Road, which fronts the appeal site, which is a sunken lane dating from the medieval period or earlier. Its verge and hedge lined route links the wider countryside to the village core and green.
10. The CA contains many listed buildings. The design and materials used in these buildings reflects locally available, traditional materials such as thatch and timber framing with the addition of brick and slate over time.
11. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, is primarily associated with the pleasing diversity of vernacular architectural forms constructed from traditional materials.
12. The LB dates from the 17th and 18th centuries. When the building was listed it was a conjoined timber framed and plastered single-storey cottage with a thatched roof, attached on its west side to a timber framed and plastered house with a slate roof. The appellants suggest that, around 1990, following grant of planning permission and listed building consent², the cottage and the house were separated into two separate dwellings. These are identified as The White House and Ash Tree Cottage. I have not been provided with details of how the buildings were linked or their original extent and this cannot be deduced from the list description. Consequently, insufficient information has been submitted to enable the impact of the proposal to be fully understood which is contrary to paragraph 200 of the Framework. Notwithstanding this deficiency, the 18th century phase of the LB is clearly apparent and this is the basis upon which I have determined this appeal.
13. I observed that the 18th century phase of the LB has a later, single storey addition which extends to the southeast. This joins a utility room to the rear of the 18th century phase, although, from the information before me I am unable to establish how this later phase interfaces with the historic fabric, or the full extent of the historic core of the LB. The extension is of modern construction

¹ Garden Cottage, Grade II (Ref: 1278626); Hill Farm Cottage, Grade II (Ref: 1112249); Fairhill, Grade II (Ref: 1278532); Hillcrest Cottages, Grade II (Ref: 1230380).

² Council Refs: UTT/0805/90 and UTT/0806/90/LB

and was granted permission in 1990³. It replaced an earlier range of outbuildings.

14. Externally, the cottage and house retain a significant proportion of their historic features and the 18th century phase is a good example of Georgian polite architecture which is not eroded by this sympathetic later addition.
15. Given the above, I find the special interest of the LB, insofar as it relates to this appeal, to be primarily associated with the expression of polite Georgian architecture of the main façade and the use of traditional materials.
16. The works involve the installation of 17 solar panels on the south-west facing roof slope of the 1990s extension, located around existing large roof lights. The panels would cover, and obscure, much of the tiling of the roof. Ancillary plant would also be installed in the utility room within the extension.
17. The extension, while clearly of modern appearance and construction, is sympathetic to the LB given the use of traditional materials and its subservient massing. As such, the extension does not visually compete with the LB and erode its special architectural interest.
18. The appellants contend that the pantiles are “an alien and unnatural material within Conservation Areas nationally”. However, during my site visit I observed several other nearby buildings roofed, or part roofed, in this material. These were particularly apparent on outbuildings and extensions. The use of pantiles is not, therefore, at odds with either the character or appearance of the CA.
19. The proposed panels would be seen in context of the large roof lights. This would give that slope of the roof a dark, highly reflective appearance. The introduction of this jarring, alien material would create a highly distracting and incongruent feature that would significantly erode the architectural integrity of the main façade of the LB bearing in mind the direct visual juxtaposition that would be present.
20. As the garden of White House lies significantly above the level of the road, and has an established hedge around it, the panels would be screened from the public realm by the lie of the land and existing development. They would thus lack prominence from the public realm. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
21. Bringing these matters together, I find that the panels would lead to the introduction of a highly incongruent, alien feature. They would be at odds with the traditional materials and design of the historic core of the building.
22. Given the above, I find that the proposed development would fail to preserve the special interest, and therefore the significance, of the LB. I give this harm considerable importance and weight.
23. As I have identified above, the proposal would be screened from views from the public realm. There would be limited overlooking of the works from the properties around the site, which have few windows facing towards the extension on the White House and, in any case, the verdant boundaries of the plot within which the site lies provide effective screening. Thus, despite the

³ Council Refs: UTT/1188/90 and UTT/1189/90/LB

harm that would be caused to the listed building I do not find that the proposal would be detrimental to the character or appearance of the CA.

24. This is because the proposed changes would not be visible from the public domain and only have limited prominence from the private domain. Under such circumstances case law⁴ has established that proposals must be judged according to their effect on a conservation area as a whole and must therefore have a moderate degree of prominence. Given the above, I find that the proposal would not be detrimental to the CA and thus preserve its significance. Consequently, I only consider the harm that I have identified to the White House in the balance below.
25. 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.
26. 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. The continued use of the building is not dependent on this proposal as the present residential use would not cease in its absence.
27. The proposal would provide a source of renewable energy and reduce the reliance of the dwelling on fossil fuels. Whilst there would be potential to supplement the power on the national grid during periods of peak generation this contribution would be negligible as it would be in terms of its reduction of national carbon emissions. The Framework, at paragraph 164 advises that local planning authorities should give significant weight to the need to support energy efficiency improvements to existing buildings.
28. Although paragraph 164 of the Framework requires significant weight to be given, irrespective of any energy efficiency improvement and the scale of any associated carbon reduction, it does not disapply those parts of the Framework set out above or the need to give any resulting heritage harm great weight in the public benefit balance.
29. Policy ENV2 of the Uttlesford District Council Local Plan (2005) seeks, among other things, to ensure that proposals affecting a listed building should be in keeping with its scale, character and surroundings. The proposal would be in tension with this policy.
30. I do not find that the public benefits are sufficient to outweigh the harm that I have identified in this instance. Thus, the proposal would fail to satisfy the requirements of the Act, paragraph 206 of the Framework and conflict with development plan policies insofar as is relevant.

⁴ South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89

Conclusion

31. Given the above and considering all other matters raised, the appeal should be dismissed.

I A Dyer

INSPECTOR