
Appeal Decisions

Site visit made on 11 June 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 8th July 2024

Appeal Ref: APP/X3540/Y/24/3336689

Frogmore Cottages, Hall Road, Burgh, Suffolk IP13 6JN

- 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 Hines against the decision of East Suffolk Council.
 - The application reference is DC/23/1989/LBC.
 - The works proposed are demolition of existing single storey lean-to extension and replace with new single storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal 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 (as amended) (the Act).
3. 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 a person with a protected characteristic for the purposes of the PSED.

Main Issue

4. The main issue for this appeal is whether the proposal would preserve a Grade II listed building known as "Frogmore Cottages" (Ref: 1197996) (the LB), and any of the features of special architectural or historic interest that it possesses.

Reasons

5. The LB is a semi-detached pair of cottages, of which the appeal building (No 1) forms one half. It dates from the 17th or early 18th century, with later additions. The thatched part forms the historic core of the LB which has a simple rectangular form of modest proportions. The list description states that it may have originally been a single dwelling. Bearing in mind the historic farmsteads I observed in the surrounding area, the size of its historic core and the timber-framing used in its construction, it represents an albeit altered but nevertheless well-preserved example of a humble agricultural workers dwelling. Given the above, I find that the special interest of the LB, insofar as it relates to this

appeal, to be primarily associated with the use of traditional materials and its diminutive scale.

6. Both cottages have single storey extensions to the rear. In the case of No 1 the extension is set off to the side and linked to the historic core by a lean-to structure. In contrast, the extension at the adjoining cottage projects directly from the main rear elevation and this gives the building an unbalanced appearance. The rear extension of No 1 is clad in black weatherboard and roofed with pantiles. Due to their scale and location the existing extensions are subservient to the historic core of the LB when viewed from the road.
7. The proposal would demolish the existing single storey lean-to linking No 1 to its rear extension and replace this with a flat roofed extension clad in black vertical timber boarding.
8. The existing lean-to is a modest, low, simple structure, rendered to match the historic core and having a pitched, pantile roof. As such it is very much subordinate to both the historic core and the rear extension.
9. Whilst sympathetic to the LB, the lean-to is a later, 20th century, addition and its removal would, in this instance, have no adverse effect on historic features, and thus the significance of the LB, and I note that the Council share this opinion.
10. The proposed extension, whilst being lower in height than the existing building would be a substantial block-like structure, similar in length and depth to the historic core. It would be clad in vertical black timber boards with a flat roof. The design and choice of material are stridently modern and at odds with the traditional materials and roof forms of the LB, and would result in a jarring visual relationship. Further the massing of the proposal, and the extension of the built form, would further erode the simple form and scale of the historic core.
11. The positioning of the extension, places it in the foreground in views of the LB when approaching from the south. Because of screening provided by existing planting, this is the principal view available to the public, gained through the vehicular access to the site. This gives the proposed extension an excessive visual prominence and this is exacerbated by the dark finish of this addition, which would draw the eye away from the traditional features of the building. The proposal would thus appear dominant in such views.
12. There is nothing intrinsically wrong with taking a modern approach to the design of additions to LBs, seeking to contrast the new form to the old. However, in doing so a design should reflect the status of the building to which it is attached in order to achieve a good, high-quality addition. It should be clearly differentiated but not so different that it visually disrupts the architectural interest of the host building. In this case, the design and finishes fail to sympathetically respond to the existing building. This would significantly erode the appearance of the LB and undermine its special architectural interest.
13. My attention has been drawn to a now lapsed planning permission and listed building consent¹ for an extension on the site. These were determined at appeal². These appeals related to a proposal for a two-storey rear extension on

¹ Council Refs: DC/18/1306/FUL and DC/18/1307/LBC

² PINS Refs: APP/J3530/W/18/3217588 and APP/J3530/Y/18/3217589

the location of the existing rear extension. Whilst the Inspector in those cases found that proposal acceptable, the extension would have been located behind the existing building and he considered that, in those circumstances, the historic core of the LB would remain the dominant architectural feature. For the reasons that I have given, that is not the case with the current proposal.

14. The appellants have drawn my attention to several examples where flat roofed, black-clad building extensions have been added to older, thatched dwellings. However, there is no evidence before me to provide planning context to these developments. I am, therefore, unable to determine whether, or not, they benefit from listed building consent or that the facts are the same in all respects. I have, in any case, determined this appeal on its own merits.
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 this appeal.
16. 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 the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification.
17. Given that the works would affect how the building is experienced, but would not directly alter the historic core, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. The continued use of the building is not dependent on this proposal as the present residential use would not cease in its absence.
18. The appellants are of the opinion that the proposal would be beneficial because, by the inclusion of improved insulation and windows to provide access to natural light in the extension area, there would be an increase in the energy efficiency of the dwelling. The appellants further identify their intention to install a heating system using an air source heat pump. The improved energy efficiency of buildings is supported in paragraph 164 of the Framework. However, it has not been demonstrated that it is necessary to construct the extension in order to provide an air-source heat pump based heating system, nor that alternatives, such as better insulation within the existing structure could not provide similar benefits. Nonetheless, improved glazing would reduce reliance upon artificial lighting and this would be an albeit limited, public benefit and, as required by paragraph 164 of the Framework I give significant weight to the need to support energy efficiency.
19. 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.

20. The appellants identify that the existing side extension also suffers from issues of cold, damp and water ingress. However, I have no dilapidation report before me to identify the severity of this problem, or that such issues cannot be remedied by repairs or other works that would not require replacement by an extension in the form proposed, and thus would avoid the harm to the LB that I have identified above.
21. I do not find that, in this instance, the public benefits are sufficient to outweigh the harm that I have identified. Thus, 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 Grade II listed building. This would fail to satisfy the requirements of the Act and paragraph 206 of the Framework.
22. The appellants have suggested that the extension is needed to satisfy the future functional needs of the occupiers, as one of them has recently received a diagnosis of a degenerative disorder that would result in ongoing effects. Disability is a protected characteristic. It is argued that the disabled person would benefit from a downstairs bedroom. However, I have very limited information regarding the condition or their future needs. Given the layout of the dwelling it may be possible to accommodate their need for a bedroom on the ground floor by the reallocation of the use of rooms.
23. 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

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

I A Dyer

INSPECTOR