



Appeal Decisions

Site visit made on 8 May 2024

by D R McCreery MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2024

Appeal A: APP/J1535/W/23/3331080

Lunds Farm House Wind Hill, Magdalen Laver, ONGAR, CM5 0EX

- 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 Christopher King against the decision of Epping Forest District Council.
 - The application Ref is EPF/1625/23.
 - The development proposed is the demolition of conservatory and garage and erection of extension.
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Appeal B: APP/J1535/Y/23/3331079

Lunds Farm House Wind Hill, Magdalen Laver, ONGAR, CM5 0EX

- 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 Christopher King against the decision of Epping Forest District Council.
 - The application Ref is EPF/1629/23.
 - The works proposed are the demolition of conservatory and garage and erection of extension.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal relates to a listed building, I have paid special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The application forms for both Planning Permission and Listed Building Consent are made in the name of the agent. For clarity, I have used the name from the appeal form as this more correctly reflects the Appellant's details.

Main Issues

5. The main issues are;

- whether the proposal is inappropriate development in the Green Belt and the effect of it on the openness of the Green Belt.
- whether the proposal would preserve a Grade II listed building known as "Lunds" (Ref: 1123944) and any of the features of special architectural or historic interest that it possesses.
- if the proposal is inappropriate development in the Green Belt, whether the harm by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Green Belt

6. The National Planning Policy Framework (Framework) says the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. This position is repeated in terms in Policy DM4 of the Epping Forest District Local Plan (Local Plan).
7. Paragraph 154 (Framework) says that the construction of new buildings should be regarded as inappropriate. The exception at 154 (g) (limited infilling) is relevant in this case and requires an assessment of openness, with its spatial and visual dimensions.
8. The proposal would lead to a change in spatial configuration, resulting in a tighter clustering of buildings and a reduction in open gaps. On plan there would be a greater single extent of east to west built development that would fundamentally change the site layout and produce a more singularly linear pattern of built form.
9. Although visually contained by boundary vegetation, these factors would reduce the sense of openness when compared to the existing development. The largest contributor to this effect would be the loss of the gap between the garage and the dwelling and the consequent reduction in the sense of spaciousness.
10. Set against this, the demolition of the garage would lead to a greater area close to the boundary being undeveloped and more open. The benefit of this spatial effect would be largely contained within the site due to the extent of boundary vegetation.
11. Weighing this up, the localised gain in space on the west extremity would not offset the effects across the wider site, which would be a reduction in openness.

12. I have taken account of the Appellant's view on the degree to which elements of the proposal (including height, mass, scale, and volume) would decrease as compared to the existing conservatory and the garage. None of these metrics results in significant reductions and they fail to fully reflect the changes in spatial configuration described above. In any event, the judgement on openness requires a view to be taken in the round, paying regard to both spatial and visual elements.
13. The Appellant's view on the acceptability of the materials, the use, and perceived improvements in landscaping terms are not materially relevant to the question of openness in this case.
14. For these reasons, the proposal would have a greater impact on the openness of the Green Belt than the existing development. The exception at paragraph 154(g) (Framework) does not apply.
15. The exception at Paragraph 154(c) (disproportionate additions) is also capable of being relevant. The Appellant's map analysis suggests that the original building¹ is the 17th Century farmhouse, as all subsequent additions occurred after 1948. The proposal would add at least the same floor area to the original building.
16. Visually, my conclusions in relation to effects on the listed building are relevant and are not repeated in substance here. In summary, even at a single storey, the scale and location of the proposal would create an addition that would compete visually and spatially with the original building.
17. As a matter of fact and degree, the proposal would result in a disproportionate addition over and above the size of the original building. The exception at paragraph 154(c) (Framework) does not apply.
18. In conclusion on this main issue, the proposal is inappropriate development in the Green Belt. There is conflict with Policy DM4 of the Local Plan, in addition to the Framework, which relates to development in the Green Belt.

Listed Building

19. The building was listed in 1984. The historic core (front section) is the 17th Century farmhouse. It is of timber framed construction, with surviving evidence suggesting an original dwelling of low status. Alterations from the 18th or 19th Century, including window and roof level changes reflect the changing status of the building from a historically important period of mass local expansion in agriculture. The façade has maintained its simple and aesthetically pleasing architectural form and features, including casement windows and modest gabled dormers.
20. The building has been heavily extended on three sides in the 20th Century, including the two-storey addition to the rear and the single storey conservatory to the side. Notwithstanding the visual dominance of these additions, the historic core remains legible.

¹ Defined in the glossary to the Framework as 'A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally'.

21. Insofar as it relates to this appeal, the building's special interest and significance is largely derived from the architectural form and features of the main façade and the legibility of the building's historic core.
22. The proposed addition would extend well beyond the side wall of the historic core. While it would have different elements to it, the overall width would be comparable to the main facade. Although the proposal would be single storey and set back from the front building line, it would be far from discreet. Instead, it would create an addition that would compete visually with the historic core.
23. The result would be a reduction in the prominence of the historic core and its legibility and role as a focal point for the building. The proposal would fail to preserve the architectural form and features of the building, which would harm its special interest.
24. The existing conservatory is not worthy of retention. However, as it is relatively modest in scale, the extent to which it detracts from the form and features of the historic core is not significant. The relationship between the historic core and the conservatory is also clearly a subservient one. The Appellant's contention that the conservatory strikes a jarring note is an exaggeration.
25. The separation between the dwelling and garage reinforces the obvious ancillary relationship between the two. The materials of the garage building (weather board walls and tile roof) are appropriate in this setting and context. The location and appearance of the building is as one might expect for this type structure. Contrary to the Appellant's suggestion, the garage is not an ad hoc, marooned structure in dire need of rationalisation or incorporation into the dwelling. Instead, it preserves the special interest of the listed building.
26. The main building has clearly been domesticated with no obvious evidence of any farmyard configuration remaining, beyond the large barn that is now in separate ownership. There is nothing compromising about the existing garage not having a closer physical relationship with the building and no obvious merit in attempting to 'recreate' a now absent farmyard character.
27. Taken together or individually, the negligible benefits that would flow from the removal of the existing conservatory and garage building do not outweigh the considerable harm that would be caused by the introduction of the unsympathetic and over-dominant addition described above. This is the case even acknowledging that some parts of the proposal share dimensions in common with these structures and that the ridge height for the proposed western return would be lower than the existing garage.
28. Considering the above, even adopting a complementary pallet of materials, I disagree with the Appellant's view that rationalising the structures on site in the manner proposed would bring any significant heritage benefits. The heritage balance I have undertaken indicates that the overall effect would instead be harmful. In these circumstances, I do not regard the design to be of high quality, nor make a positive contribution to local character and distinctiveness in accordance with Paragraph 196 (Framework). I also disagree with the Appellant's contention that the proposal would reverse a cumulative detracting from the historic core resulting from modern extensions. It would, instead, detract further.

29. It should be noted that listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views of the building can be gained. As such, experience from the public realm is not a determining factor in this case. Nevertheless, I have considered the evidence from both parties relating to views and noted the degree of screening provided by existing boundary fencing, vegetation, and the rising topography.
30. A condition aimed at securing complementary landscaping could legitimately be imposed as a matter of course with the aim of achieving a good standard of development. However, such a condition would not mitigate the impacts of the proposal described above.
31. Considering the harm identified above, the proposal would fail to preserve the Grade II Listed Building, and the features of special architectural or historic interest that it possesses.
32. Paragraph 205 (Framework) says 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.
33. In this case, the harm would be less than substantial but nevertheless of considerable importance and weight. In these circumstances, paragraph 208 (Framework) advises that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
34. 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 and there is no credible evidence to show that it would cease in its absence. Optimum viable use is not, therefore, a public benefit of the proposal.
35. The potential for sustainable construction measures and complementary landscaping is acknowledged, but not evidenced at a level to support a conclusion that anything beyond limited public benefits would result. Other benefits, including expansion of the home to provide a guest wing, are private rather than evidenced public benefits.
36. There is, therefore, an absence of significant public benefits to weigh against the harm to the heritage asset. Further, I give great weight to the conservation of the building in accordance with paragraph 205 (Framework).
37. In conclusion, 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 (Framework) and conflict with policy DM7 of the Local Plan that seeks, among other things, the preservation or enhancement of heritage assets in a manner appropriate to their significance in accordance with national planning policy and guidance.

Other considerations

38. The proposal is inappropriate development in the Green Belt which is, by definition, harmful. Paragraph 153 (Framework) is clear that any harm to the Green Belt should attract substantial weight.

39. In terms of other harm, the proposal would fail to preserve the Grade II Listed Building, and the features of special architectural or historic interest that it possesses. This matter attracts great weight.
40. The other considerations in this case relate to private benefits or benefits attracting no more than limited weight. They are unevidenced at a level to demonstrate that they come anywhere close to amounting to the very special circumstances necessary to justify the harm to the Green Belt and Listed Building.
41. Consequently, the Framework and policies in the development plan indicates that planning permission should be refused.

Other Issue

42. The lack of neighbour objection or concern on other planning grounds does not affect my conclusions on the main issues.

Conclusion

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

D R McCreery

INSPECTOR