



Appeal Decisions

Site visit made on 16 July 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal A: APP/A1530/W/24/3340966

Conduit Farm, Birch Park, Birch, Essex CO2 0LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr and Mrs Southwell against Colchester City Council.
 - The application reference is 232473.
 - The development is described as 'proposed extension and alterations at Conduit Farmhouse.'
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Appeal B: APP/A1530/Y/24/3340968

Conduit Farm, Birch Park, Birch, Essex CO2 0LS

- 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 Southwell against the decision of Colchester City Council.
 - The application reference is 232474.
 - The works are described as 'proposed extension and alterations at Conduit Farmhouse.'
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

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 (the Act).
4. 'Heath House' (Ref: 1223842) and 'Timber Framed Barn at Conduit Farm' (Ref: 1110900) are Grade II listed buildings, which with the appeal property form part of a historic farmstead. I have had special regard to the desirability of preserving the setting of the aforementioned listed buildings in the determination of these appeals and I am satisfied that there would be no harm to the special interest of these listed buildings through changes to their setting.

Main Issue

5. The main issue is whether the proposal would preserve a Grade II listed building, known as 'Conduit Farmhouse' (Ref: 1170141), and any features of special architectural or historic interest that it possesses.

Reasons

6. Conduit Farmhouse is a detached, two-storey, 18th century dwelling, which forms part of a post-Medieval farmstead. It has an L shaped plan form, with later additions. The dwelling has red brick walls and the principal part of the building has a plain tiled hipped roof. A two storey extension was added to the building in the early 21st century. The two storey extension is finished in white weatherboarding and set in slightly from the sides of the building. The dwelling also has a modern single storey lean-to extension on its south-west elevation and a single storey extension at the end of the rear range.
7. Based on my site visit and the evidence before me, I find that the listed building's special interest and significance insofar as is relevant to these appeals is derived from its historic and architectural interests as an illustration of 18th century domestic architecture. The building's historic fabric, pitched roofs, use of traditional materials, the legibility of its historic plan form and its pleasing architectural style make important contributions in these regards.
8. The proposal seeks to partially rebuild the single storey projection that is attached to the hipped end of the rear range. While the appellant states that this is a later addition to the building, the Council advises that it dates from at least the first half of the 19th century. This is not disputed by the appellant. The 19th century projection is subservient to the historic core of the building and utilises traditional materials. Its design and materials complement the historic core of the building. The 19th century projection forms part of the historic evolution of the building and makes a positive contribution to the special interest of the listed building.
9. The proposal would result in the loss of a window and part of the rear wall of the 19th century projection. The loss of this historic fabric would be harmful to the special interest of the listed building. It is unclear from the proposed plans whether any further historic fabric would be lost, especially as the proposed plans highlight the 19th century projection and state that it would be replaced. Although the plans state that the wall on the south-west elevation would be retained, additional historic fabric may be lost to facilitate the proposal, which would cause further harm.
10. The proposal would be subservient to the host property in terms of its height. It would also be finished in weatherboarding, which would differentiate it from the historic core of the building. The proposal would increase the width and depth of the existing 19th century projection and wrap it around the historic two storey rear projection. At present, the modern additions are stepped in from the parts of the building in which they relate, which enables the L shape plan form of the building to remain legible. While the proposal would be stepped in from the side elevations of the property, it would be wider and out of scale with the historic two storey rear projection. As a result, it would fail to respect the architectural integrity of the listed building, further obscure part of the historic core of the building and further erode the historic plan form of the listed building.
11. The variety of roof slopes, including the proposed canopy would fail to respect the consistent roof pitch on the principal part of the dwelling and would be out of keeping with the historic part of the building.

12. The proposal seeks to remove the existing lean-to extension, which is attached to the modern, two storey part of the building and the other lean-to extension, which is located off the 19th century rear projection. Both lean-tos are modern additions to the listed building and their loss would not harm the special interest of the listed building.
13. The proposal is sited to the rear of the property and largely screened from public views by the existing hard and soft boundary treatment. Given the siting and size of the proposal, at most, only a glimpse of the proposal would be visible 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.
14. The appellant argues that the existing extensions and the solar farm have eroded the character of the heritage asset. I appreciate that the dwelling and adjacent buildings within the historic farmstead have a long and diverse history of extensions. However, this does not set a precedent for further extensions/alterations or justify a proposal that would fail to preserve the special interest of the listed building.
15. Consent has been granted for a solar farm on the opposite side of Birch Road, which is some distance from the appeal site. The Council advises that the solar farm scheme includes additional planting to mitigate its visual impact. The agricultural land between the historic farmstead and the solar farm retains the agricultural setting of the listed building. Consequently, I do not find that the consented solar farm justifies the harm I have identified.
16. The appellant argues that the significance of Conduit Farmhouse is derived from its group value as part of the historic farmstead. Furthermore, the appellant ascertains that the listed building does not have particular unique characteristics that raise its level of significance beyond a local level. While the listed building does have group value with the other buildings within the historic farmstead, it is individually listed, meaning that it is a building of national importance. Although I have found that the proposal would not be harmful to the other buildings within the historic farmstead, for the reasons given above, I find that the proposal would fail to preserve the special interest of the listed building.

Public Benefits

17. 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 advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm requires clear and convincing justification. Given the nature and extent of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
18. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.

19. The proposal would provide additional accommodation to meet the needs of the appellant's growing family, which is a private benefit. The proposal would result in investment into the property, which would have a small economic benefit, which carries limited weight in favour of the proposal as a public benefit. There is no substantive evidence before me that the proposal is necessary in order to secure the optimum viable use of the asset.
20. Overall, I give limited weight to the public benefits of the proposal. Consequently, in attributing considerable importance and weight to the identified harm to the significance of the designated heritage asset, I find that there would be insufficient public benefits arising from the proposal to outweigh this harm.
21. Given the above, I conclude that, on balance, the proposal would fail to preserve the special historic interest and significance of the Grade II listed building. The proposal would fail to satisfy the requirements of the Act and paragraph 203 of the Framework. The proposal would also conflict with Policies DM16 and ENV1 of the Colchester Borough Local Plan 2017- 2033, adopted July 2022. These policies among other things require that proposals conserve and enhance the significance of heritage assets and that all proposals enhance the historic environment or better reveal the significance of the heritage asset.

Conclusion

22. For the above reasons and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

A James

INSPECTOR