



Appeal Decisions

Site visit made on 1 October 2024

by D R McCreery MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2024

Appeal A Ref: APP/C1570/W/24/3342774

The Thatched Cottage, Cambridge Road, Quendon CB11 3XJ

- 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 William Chisholme against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/2670/HHF.
 - The development proposed is one and a half storey extension and renovations to the listed building.
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Appeal B Ref: APP/C1570/Y/24/3342770

The Thatched Cottage, Cambridge Road, Quendon CB11 3XJ

- 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 William Chisholme against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/2671/LB.
 - The works proposed are one and a half storey extension and renovations to the listed building.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. I have used the description of development/works from the Appeal Form as it more accurately covers what is relevant to both the planning and listed building appeals.
4. As the proposal is in a Conservation Area and relates to a Listed Building I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

5. Paragraph 3 of the Appellant's Statement of Appeal¹ requests that I accept three amendments to the proposal. They can be summarised as relating to (1) the layout of the relocated staircase, (2) no longer adjusting the sill height of windows L5 and L6², and (3) no longer including repair to the purlins between bedrooms 2 and 3. The normal expectation is that appeals should not be used to evolve proposals and, as such, should be considered on the basis of the same details that were before the Council at the time the decisions were made. However, paying regard to the cases of the parties, the nature and severability of the amendments, and the low likelihood that any party (including members of the public) may be prejudiced, I am content in this instance to allow the amendments in Paragraph 3 of the Appellant's Statement of Appeal. I have considered the appeals on this basis.

Main Issues

6. The main issues are whether the proposal would preserve a Grade II listed building known as "Thatch" (Ref: 1216676) (the Listed Building) 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 Quendon and Rickling Green Conservation Area (the Conservation Area).

Reasons

7. The Conservation Area covers an area encompassing the rural villages of Quendon and Rickling Green, that each have distinct characteristics. Quendon, of central relevance to the appeals, is a linear settlement along the busy B1383. Scattered buildings (mostly dwellings) include grand houses sitting amongst vernacular properties, mostly unified by their traditional appearance, a frontage set back from the road, and punctuated by verdant greenery that reinforces the rurality of the area and provides visual gaps and a backdrop. Insofar as relevant to this appeal, the Conservation Area's significance is derived from its rural character, the traditional appearance of the buildings within it, and the relationship between built form and surrounding greenery.
8. The Listed Building is a modest timber framed, thatched roofed, dwelling dating from the 18/19 century. It is located towards the edge of the village in a relatively elevated position to the road. Despite development to the south, the position of the building, boundary screening, and surrounding greenery is effective in preserving much of its rural and historic context. Internally, despite some alteration, the building maintains much of the historic floorplan, with three principal rooms on the ground floor and a roof space where the timber frame is clearly visible. Given the above, the significance of the building, insofar as relevant to these appeals, is primarily associated with its traditional appearance, its relationship with the rural context, and its historic floor plan, features, and use of traditional materials.
9. The existing side addition does not contribute to the special interest of the Listed Building. Nevertheless, its modest proportions and single storey ensure that it reads as subservient to the historic core and does not interfere significantly with the ability to either read the main building or appreciate it within its open context.

¹ 18 April 2024

² As identified in the Appellant's Schedule of Window Renovations dated 23 October 2023

10. The proposed extension would be a significant addition to this modest building. The scale and form would radically alter the relationship between the historic core and later additions, giving prominence to the latter and suppressing the former. Its footprint and projection to the side and rear would have the visual effect of enclosing the side of the building, reducing the standing of the historic structure as a focal point and the opportunity to appreciate it in an open context.
11. The height of the extension would add to its dominance and the effect of competing visually with the historic structure. Whilst below the ridge height, it would still diminish the appearance of the thatched roof, including its block ridge detail. In this respect the extension would not achieve the necessary degree of subservience to preserve the Listed Building.
12. The extent of topographical change needed to accommodate the proposed extension is not detailed in the evidence. From the available information, I judge that the rearwards projection is likely to involve at least some reprofiling of the garden to the rear. This does not appear extensive and could, had the extension been otherwise acceptable, have been clarified/managed using conditions along with other landscaping elements.
13. I have noted consideration that the Appellant feels has been put into the external design of the extension, as set out in their Design, Access and Heritage Statement and other evidence. However, considering the effects discussed above, the proposed extension would cause harm to the historic interest of the Listed Building. As listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether public views can be gained, the extent to which the proposal can be seen from outside the site is not materially relevant.
14. Unlike listed buildings, the significance of a conservation area is dependent on how it is experienced. In this regard, and despite the harm that would be caused to the Listed Building, the proposed extension would not be detrimental to the character or appearance of the Conservation Area. The extent of screening from the road would minimise or break public views and, where seen, the materials would appear consistent with those generally seen in the wider area. In the context of the wider Conservation Area, the increased land take resulting from the extension would be modest and would not, therefore, unacceptably disrupt the relationship between built form and surrounding greenery that contributes to the character and appearance of the area more broadly. Considering the effects on the Conservation Area, the proposal would preserve its character and appearance. There is no conflict with policy ENV1 of the Uttlesford Local Plan (Local Plan).
15. Turning to other alterations, including internal. The Appellant's evidence shows a detailed understanding of the historic building based on years of family ownership. Within it, there is compelling evidence to demonstrate the historic presence of an opening in the location of the proposed staircase. Following the accepted amendment, the staircase is now proposed to be located entirely in the study area and would therefore preserve the floor plan at ground floor level.

16. Removal of the existing staircase within the kitchen is of some benefit, as it unduly impacts on the proportions of the room at ground floor level and interferes with the ability to appreciate the rear window. Avoiding disturbance to historic fabric, including timbers, could be secured via condition requiring a method statement. Weighing these matters up, the staircase relocation is acceptable.
17. In relation to other alterations, paying regard to the amended proposal that removes the lowering of two window sills and repair to the purlins between bedrooms 2 and 3, I do not find harm to the Listed Building. This is subject to conditions that, were the proposals to be otherwise acceptable, could have secured method statements and additional oversight for the more sensitive aspects of the renovation and a basis for partnership working between the Appellant and Council to secure the preservation of the building.
18. The Council have provided little justification for their view that further Listed Building Consent is necessary for aspects of preliminary investigation work. Considering the evidence, this is an overly cautious approach to a scheme of this nature that is more likely to hinder the effective preservation of the building than assist.
19. Nevertheless, considering the harm identified above relating to the proposed extension, the proposal would not preserve the special interest of the Listed Building and the features of special architectural or historic interest that it possesses.
20. Paragraph 205 of the National Planning Policy Framework (the 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.
21. 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.
22. The works of maintenance and restoration proposed would help to secure the longer term future of the asset in a general sense. There would also be some benefit to removing the existing kitchen staircase. These amount to heritage benefits deserving of weight in the balance. Given the scale of the works and absence of substantiated evidence of material risk to the building, the consideration attracts no more than moderate weight.
23. Improving privacy and comfort for occupants of the dwelling are private benefits, with no substantiated evidence that ongoing use of the property would cease in the absence of. They do not attract material weight in the heritage balance.

24. In relation to fire safety and compliance with the Building Regulations. I do not have substantiated evidence of risk from any specialist party on this matter or detail of how any dispensation from the Regulations given to listed buildings would apply in this scenario. While I appreciate the Appellant's concerns, in these circumstances this is not a public benefit that attracts material weight in the heritage balance.
25. Weighing these matters up, I do not find that the public benefits are sufficient to outweigh the harm that I have identified. While I understand the Appellant's wish to update the dwelling, there is no evidence that continued viable use of the appeal property as a residential dwelling is dependent on the proposal.
26. In conclusion, the proposal would fail to preserve the special historic interest of the Listed Building. This would not satisfy the requirements of the Act, paragraph 203 of the Framework and would conflict with policies ENV2, GEN2 and H8 of the Local Plan, insofar as they relate to the design, extension and the preservation of listed buildings and ensuring development affecting listed buildings is in keeping with its scale, character and surroundings.

Other Matters

27. I have paid regard to public support for the proposal. Comments relating to the main issues have been considered as part of my reasoning above. Other comments do not alter my conclusions on the main issues.
28. I have no application for costs and the Appellant's views about how advice from the Council was given during the application process is a matter between the parties.

Conclusion

29. The proposal fails to preserve the special historic interest of the Listed Building. In a planning sense, this generates conflict with the development plan for the area that amounts to conflict with the plan as a whole.
30. I have considered the Appellant's suggest benefits and other evidence, including that discussed in the heritage balance of this decision, and find that they do not amount to material considerations justifying taking a decision other than in accordance with the development plan.
31. In reaching a view on these issues, I have paid regard to the advice in the Planning Practice Guidance drawn to my attention by the Appellant. I have also considered Article 2 and Article 8 of the European Convention of Human rights, and the Appellant's comments on how they should be applied. There is no compelling evidence in this case leading me to conclude that a conflict with the rights exists that should be given material weight in the balances.
32. Given the above and considering all other matters raised, the appeals are dismissed.

D R McCreery

INSPECTOR