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## Appeal Decision

Site visit made on 16 October 2024

**by D Cleary MTCP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 November 2024**

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**Appeal Ref: APP/Z1510/D/24/3350021**

**132A Church Street, Bocking, Braintree, Essex CM7 5LA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Ian Bain against the decision of Braintree District Council.
  - The application Ref is 24/00531/HH.
  - The development proposed is described as retrospective planning for front garden wall.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. On my site visit I observed that the proposed development had taken place and was complete. The development has been carried out in accordance with the plans before me and I have considered the appeal on this basis.

### Main Issues

3. The main issues are whether the development preserves or enhances the character or appearance of the Bocking Conservation Area, and whether it preserves the setting of Plough Cottage, a grade II listed building.

### Reasons

4. The appeal site lies within the Bocking Conservation Area (the BCA). The BCA is concentrated around the buildings and spaces which front Church Street. The statutory requirements<sup>1</sup> require that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Insofar as is relevant to this appeal the significance of the BCA derives from the architectural quality and variety of the buildings, historic plan form and the relationship between buildings and structures with Church Street.
5. Plough Cottage, a grade II listed building, is a two-storey detached building which was originally a range of timber framed and plastered cottages dating from the C17/C18. I am required<sup>2</sup> to pay special attention and have regard to the desirability of preserving the setting of listed buildings. In my view the significance of Plough Cottage derives from its historic origins and the architectural features it possesses.

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<sup>1</sup> Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>2</sup> Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

6. The appeal site is a two-storey detached dwelling which has been recently altered to include more contemporary design elements. The dwelling itself is set back from the buildings on either side and, as such, is not visually prominent when viewed along Church Street. A new boundary, the subject of this appeal, has been constructed adjacent to Church Street, although I have no details of what boundary treatment existed previously. There is a mix of roadside boundaries in the area in terms of form and design. Where boundaries exist, these are generally of traditional construction or comprise low-level features. Some boundaries include tall brick walls which provide a sense of enclosure to the street. While other, low-level boundaries, which are more varied, are visually discrete. Plough Cottage, is located at the back of the pavement directly opposite the appeal site. The appeal site has a clear visual relationship with Plough Cottage and I consider the site to fall within its setting.
7. The appeal relates to a boundary wall which has been constructed immediately adjacent to Church Street. The boundary comprises white rendered blockwork and pillars, with grey aluminium slats infilling to the space between the pillars.
8. The wall is flanked on either side by brickwork walls of traditional design and construction which are positioned at the back of the pavement. The aluminium slats introduce a material which does not appear to be traditional to the BCA or prevalent in the area. This, together with the extent of render applied to the wall and pillars results in a visually prominent boundary which markedly contrasts with the more traditional boundary treatments adjacent and in the wider street scene. The use of materials, along with the design of the boundary results in a visually isolated feature which fails to harmonise with boundary development along Church Street.
9. The position of the boundary adjacent to the pavement means that it is prominent within the public realm. Its position means that there are views of the boundary along Church Street and the design and use of inappropriate materials result in undue attention being drawn towards its incongruity. Furthermore, the close relationship between the appeal site and Plough Cottage results in the boundary visibly competing with the listed building and drawing attention away from features of its significance. I find that the design and materials of the boundary is to the detriment of the setting of the listed building, and also the character and appearance of the BCA.
10. I acknowledge that the design of the wall complements that of the existing dwelling. However, the relationship between the boundary and the dwelling is only readily appreciated together from a small area to the front of the property. I also note that render is prevalent in the surrounding area on buildings, including Plough Cottage, and on some roadside boundaries. The use of render to buildings is established in the area. However, render to boundaries is less common, and where it has been applied, this is generally to low-level unobtrusive features. Therefore, I do not find the examples of render in the area which have been cited to be directly comparable to the appeal scheme which, in any event, also includes aluminium slats which is not a material which appears traditional to the area. Nonetheless, I have considered this appeal on its individual merits.
11. For the above reasons, the proposal fails to preserve or enhance the BCA and harms the setting of Plough Cottage. The proposal is therefore contrary to

Policies LPP1, LPP36, LPP52, LPP53 and LPP57 of the Braintree District Local Plan 2013-2033 (2021), and the guidance contained within the Framework. These, amongst other things, seek to achieve high quality design which preserves and enhances heritage assets.

12. Having regard to the Framework<sup>3</sup>, the degree of harm to the setting of the listed building and the BCA would, in both cases, be less than substantial and should therefore be weighed against the scheme's public benefits.
13. In this instance, no public benefits of the scheme have been advanced by the appellant and, therefore, I have no clear and convincing justification that the harm to heritage assets is outweighed by any public benefits of the scheme.

### **Conclusion**

14. For the above reasons the appeal is dismissed.

*D Cleary*

INSPECTOR

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<sup>3</sup> Paragraph 202