



Appeal Decision

Site visit made on 15 October 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/C1570/W/24/3348027

Kings Head Inn, High Street, Stebbing, Essex CM6 3SF

- 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 Tristan Wright against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/0491/FUL.
 - The development proposed is described as a new residential access and erection of new wall.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would preserve or enhance the character or appearance of the Stebbing Conservation Area (the SCA) and the effect of the development on the setting of The Kings Head, a grade II listed building.

Reasons

3. The appeal site relates to the Kings Head, which is a two-storey detached building sited prominently adjacent to High Street, and is in use as a dwelling. The building is set within a large plot with garden located to the rear. Adjacent to the site is a private road which leads to a number of properties. The boundary of the Kings Head addresses this road and comprises tall brick walls and the rear elevation of an intervening timber outbuilding.
4. The Kings Head is a grade II listed building. Historic England's listing identifies that the building was a public house constructed in 16th century or earlier. The building is timber framed with a jettied and pargetted first floor front elevation. Its significance is derived from its historic origins as a public house and also the architectural features and detailing that the building possesses.
5. I find that the significance of the listed building is also informed by its immediate setting which includes the boundary treatment around the site. There is disagreement between the parties as to the status of the existing wall that is the principal subject of this appeal, and whether it is a curtilage listed structure. It is understood that the wall has recently been reconstructed following partial collapse. I do not have full details of how much of the wall had collapsed, the full extent of repair, or how much of the original brickwork

remained and/or was re-used. Therefore, I have insufficient information to definitively conclude on this point.

6. Nonetheless, the wall is well constructed and has been carried out in a manner whereby it appears traditional and appropriate for its historic setting. The wall is not insignificant in height and can be viewed in the context of the King's Head from High Street. This, along with the adjacent outbuilding and wall closer to High Street, help to frame the Kings Head and its garden. Therefore, I consider that the wall is an important and positive feature within the setting of the King's Head informed by its clear visual and historic relationship.
7. The site also lies within the Stebbing Conservation Area (the SCA). The statutory requirement¹ requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Stebbing Conservation Area Appraisal 2010 (SCAA) provides a good understanding of the SCA, its historic origins and the features that it possesses. Insofar as is relevant to this appeal the significance of the SCA derives from the architectural quality and variety of the buildings, and the historic plan form which includes the relationship between buildings and boundaries with the surrounding streets and spaces.
8. The boundary wall is not identified within the SCAA as being a distinctive feature within the SCA. However, the SCAA² identifies that boundary treatments, more generally, are an important element in defining the street scene where they provide texture and interest to an area. The SCAA also identifies that the view along the adjacent private road, is one of three important views in this part of the SCA. The brick wall flanks this view and, along with the adjacent outbuilding and wall closer to High Street, provides a continuous built edge to one side of this vista. Therefore, it is considered that the wall is a feature which contributes positively to the character and appearance of the SCA.
9. The appeal scheme proposes the creation of a new access to the rear of the site which would be provided through the removal of a section of the reconstructed wall. While the access would be narrow in the context of the length of the overall boundary, the removal of a section would disrupt the continuity and rhythm of the hard edge abutting the adjacent private road. This would dilute the important existing sense of enclosure created by the tall boundary along this vista. Furthermore, the creation of a second access into grounds of the Kings Head would disturb the legibility and historic context of the site. As such, the alteration to the wall would result in the loss of part of a boundary that is a positive element to both the SCA and setting of the Kings Head.
10. I note that planning permission has been granted for a detached dwelling on the land to the rear of the site³, within the grounds of the Kings Head, and that permission remains extant (the approved scheme). I do not have full details of the circumstances relating to the approved scheme although it would, to some degree, diminish the setting of the Kings Head. Nonetheless, the new dwelling within the approved scheme would be accessed via the existing point of access

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

² At 1.67

³ Application Ref: UTT/22/2341/FUL, approved 15th November 2022

serving the Kings Head. While it is likely that the dwelling would be visible from the surrounding public realm, it would be set behind this strong linear boundary feature which encloses the site. Therefore, I do not consider that the existence of the approved scheme alters my conclusions on the harmful effect that the development would have on the setting of Kings Head and the character and appearance of the SCA.

11. I find that the removal of the wall would be to the detriment of the setting of the listed building, and the character and appearance of the SCA. Having regard to the Framework⁴, the degree of harm to the setting of the listed building and the SCA would, in both cases, be less than substantial and should therefore be weighed against the scheme's public benefits. I return to this below.
12. The proposal would fail to preserve or enhance the SCA and would harm the setting of The King's Head. The proposal is therefore contrary to Policies ENV1 and ENV2 of the Uttlesford Local Plan 2005. These, amongst other things, seek to preserve and enhance conservation areas and avoid development which would adversely affect the setting of a listed building.
13. I have also had regard to the Stebbing Neighbourhood Development Plan 2019 – 2033 (the NP) which forms part of the development plan for the area. The development conflicts with Policies STEB1 and STEB9 of the NP which requires development to be of sensitive design and which preserves the distinctive character of Stebbing.

Other Matters

14. It is advanced that the appeal proposals would represent a betterment when considered against the approved scheme. The approved scheme was not considered when a recent appeal⁵ (the earlier appeal) for a similar access was dismissed on heritage grounds. The approved scheme is a change in circumstances which represents a material consideration in the determination of this appeal.
15. The approved scheme includes the construction of a dwelling to be accessed via the existing point of access from Main Street, with parking for both the existing and proposed dwellings sited to the rear. The decision notice requires, by condition, that both parking and access arrangements be provided in accordance with the approved layout. These arrangements are materially different to under consideration, while the approved parking layout could not be provided due to the erection of the proposed wall. The appeal scheme has not been submitted as a variation to the approved scheme, under s.73 of The Town and Country Planning Act 1990, nor does it seek full planning permission for the erection of the new dwelling. As submitted, there is no mechanism for me to alter the approved plans or conditions attached to the approved scheme. While the overlapping developments would not preclude the granting of a further permission it would, nonetheless, temper the weight that I can attach to any benefits compared to the approved scheme. This is because there is genuine uncertainty that both the appeal and approved schemes could be

⁴ Paragraph 202

⁵ Appeal Ref 3303356

implemented together in their entirety. I have therefore, where necessary, considered the public benefits in this context.

16. The approved scheme shows both dwellings accessed from the existing point of access to the side of The King's Head. That access is constrained to some degree by the existing wall and building. The access to the adjacent private road is wider and has a greater degree of visibility onto High Street. Furthermore, the alternative access arrangements would remove the potential for conflict between vehicular movements for both dwellings. These would be benefits of the scheme, however in the context of the concerns that I have outlined above, I can only attach limited benefit to each of these points.
17. The scheme includes the erection of a new boundary to be provided between the Kings Head and the area of land to the rear. It is understood that this would reinstate a historic boundary to the rear of the Kings Head. Furthermore, the scheme would reduce the level of vehicular movements through the historic curtilage of the site. Both these elements would improve the setting of the King's Head compared to the new boundary layout and movements associated with the approved scheme. These improvement to the setting of the listed building, compared to the approved scheme, would be a public benefit that would attract modest weight in favour of the development. Although, I do not consider that reinstating one historic boundary would dilute the importance that the existing side boundary wall has to the setting of the listed building.
18. It is suggested that the development would reduce the need for occupiers and visitors to the Kings Head parking along the public highway and, as such, would improve the street scene and reduce congestion. Together it is suggested that these would be to the benefit of the setting of the Kings Head and the character and appearance of the SCA. Furthermore, it is also suggested that the development would remove vehicular conflict with vehicles reversing onto the public highway. These were cited as a public benefit by the Inspector in considering the earlier appeal.
19. However, it is understood that the earlier appeal related to providing additional parking and an alternative access to serve the existing Kings Head only. In this current appeal, the plans indicate that the parking arrangements for the Kings Head would remain as existing while the submission also suggests that the two accesses would serve the two dwellings separately. Therefore, as access and parking for the Kings Head would appear to remain as existing, the same benefits would not arise. Therefore, these matters attract very little weight in favour of the proposed development.
20. I acknowledge that the scheme may result in improved living conditions through removing vehicles passing the external garden space, while the revised plot arrangements would improve privacy and better security for the occupants of the King's Head. In both schemes the sites would be gated and it appears as though external areas would be enclosed. As such, the approved scheme offers both security and privacy. Furthermore, vehicular movements associated with the new dwelling would remain adjacent to the proposed external space beyond the new boundary. Therefore, the improvement to living conditions and more secure layout would be minor benefits only attracts limited weight.
21. Finally, it is suggested that the appeal scheme would provide a better level of private amenity space for the King's Head. While the resultant plot for the

King's Head may be larger compared to the approved scheme, the plans indicate that much of the external space would be dedicated to the existing parking area. Therefore, I am not persuaded that this is a benefit which would attract anything other than very limited weight in favour of the proposed development.

Planning Balance and Conclusions

22. I have identified that the proposed development would cause less than substantial harm to the significance and setting of a grade II listed building. Additionally, less than substantial harm would be caused to the significance of the SCA, through failing to preserve its character and appearance. The preservation of heritage assets are matters to which I am required to attach considerable importance and great weight.
23. I have identified that the scheme would deliver a number of public benefits. However, the public benefits combined are insufficient to outweigh the great weight to be attached to the harm I have identified to the designated heritage assets.
24. For the above reasons, the development conflicts with the development plan, and with the provisions of the Framework in relation to heritage assets and there are no material considerations, which indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

D Cleary

INSPECTOR