



Appeal Decision

Site visit made on 3 January 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/P1560/D/24/3344705

Lawford House, Bromley Road, Lawford, Essex CO11 2JD

- 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 & Mrs Hudson against the decision of Tendring District Council.
 - The application Ref is 24/00150/FULHH.
 - The development proposed is erection of a garden room and installation of outdoor swimming pool.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a garden room and installation of outdoor swimming pool at Lawford House, Bromley Road, Lawford, Essex CO11 2JD in accordance with the terms of the application, Ref 24/00150/FULHH, subject to the attached schedule of conditions.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views and the revised version has been referenced in this decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby Grade II listed building.

Reasons

4. Lawford House is a grand, Grade II Listed Building (the LB) set within expansive grounds and accessed via a long driveway. In the north western corner of the appeal site is a single storey building containing a swimming pool. Beyond the right hand side of the house, when viewed from in front of its principal elevation, is a walled garden area and a tennis court surrounded by chain link fencing.
5. The LB was listed in 1950. The Listing confirms that its timber framed, brick facing rear range dates from the seventeenth century, whilst the gault brick front range dates from the eighteenth and nineteenth centuries. Amongst other things, the Listing also identifies the front range's parapet, 7 window range of small paned vertically sliding sashes, moulded flat lintels, moulded surrounds and internal shutters.

6. From my observations on the site visit and the evidence before me, the significance of the LB is largely drawn from its historic age, form and architectural features. The spacious, verdant setting of the LB within its wider grounds, including the nearby walled garden, contributes to how it is appreciated and this setting makes a positive contribution to the significance of the LB.
7. The Framework makes clear that listed buildings are designated heritage assets. When considering the impact of a proposed development on the significance of a designated heritage asset, the Framework advises that great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and any harm should have a clear and convincing justification. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the local planning authority or, as the case may be, the Secretary of State, to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. There is no disagreement between the parties that the proposal would be within the setting of the LB. Given the proximity of the proposal to the heritage asset, I see no reason to disagree.
8. The proposed swimming pool and garden room would be positioned in an area of lawn in what remains of the walled garden. The garden area is enclosed by walls on three sides. The Council indicate that the boundary wall is believed to be of historic importance establishing this section of the grounds as a walled garden and separating it from other areas of the site.
9. The Council confirm there is no in principle objection to the installation of an external swimming pool and the construction of a garden room within the walled garden. The garden walls provide physical and visual separation from the LB. The garden room's roof would have a hipped form, and it would be constructed in traditional materials which are appropriate to the setting. Overall, the proposal's size, materials and visual and physical separation from the LB, mean it would clearly be seen as an ancillary and subservient building that would not detract from, or compete with, the main dwelling.
10. The submitted evidence, including historic mapping, indicates that in 1875 this part of the garden was surrounded by four walls, and was planted, possibly as a formal orchard. The ordnance survey mapping from 1881 and 1898, do not illustrate trees within the walled area, suggesting that the planting may have been removed. Further maps and aerial photographs from the twentieth and twenty first century, indicate how the walled garden evolved, including through the removal of a western wall and the construction of a tennis court in the vicinity.
11. The Council suggest that the proposal would remove and block the historic connection between the site and other surrounding areas of the garden. From the Council's submitted evidence and my observations on site it is unclear whether the eastern garden wall previously had a central access which directly connected the walled garden to the adjoining garden area. There is no existing central access via the eastern wall which the garden room would be located closest to, and the current access to the walled garden through the northern wall would be unaffected by the proposal.

12. Whilst the proposal would physically infill a limited area of the walled garden, including through the introduction of the swimming pool and associated hardstanding, it would not dominate the garden area. The garden room would be set away from the nearest wall behind circulation space. This would enable the garden's historic form to be understood. Given the open spacing that would remain around the structure, it would still allow ample scope within the garden to appreciate views that would ensure that the visual and historic connection between the walled garden and other surrounding areas of the gardens would remain.
13. Overall, in terms of the effect on the setting of the LB, I find that the swimming pool and garden room would be neutral. The significance and heritage value of the designated heritage asset would thus be preserved. This would satisfy the requirements of the Act and paragraph 212 of the Framework, and would not conflict with Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond, Section 2 (2022) that outlines, among other things, that proposals affecting a listed building or its setting will only be permitted where they protect its special architectural or historic interest, its character, appearance and fabric. As a result, the proposal would be in accordance with the development plan.

Conditions

14. I have had regard to the planning conditions that have been suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
15. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty. To preserve and enhance local character, I have included a condition related to external materials.
16. As the appeal site is within an area of potential archaeological interest, I have imposed the suggested condition requiring a programme of archaeological investigation.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan and the Framework. The appeal is therefore allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2095/23/02 Rev B; 2095/23/03 Rev A; and 2095/23/01 Rev B.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no 2095/23/01 Rev B.
- 4)
 - a) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
 - b) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI (defined in 'a') above.
 - c) The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the local planning authority). This is to include post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and the submission of a publication report.

END OF SCHEDULE