



Appeal Decisions

Site visit made on 3 December 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 30th January 2025

Appeal A Ref: APP/Z1510/W/24/3347239

Old Fenners, Lamarsh Road, Great Henny, Essex, CO10 7LT

- 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 C Thompson against the decision of Braintree District Council.
 - The application Ref is 23/02526/HH.
 - The development proposed is internal alterations to existing dwelling to include reopening former opening between kitchen and dining room, installation of shower room & utility space, installation of structural support to first floor joists, 3no replacement windows, 1no replacement door, replacement of chimney pots.
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Appeal B Ref: APP/Z1510/Y/24/3347238

Old Fenners, Lamarsh Road, Great Henny, Essex, CO10 7LT

- 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 C Thompson against the decision of Braintree District Council.
 - The application Ref is 23/02527/LBC.
 - The works proposed are internal alterations to existing dwelling to include reopening former opening between kitchen and dining room, installation of shower room utility space, installation of structural support to first floor joists, 3no replacement windows, 1no replacement door, replacement of chimney pots.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Both appeals relate to the same proposal under different but complementary legislation. I have therefore dealt with them together in my reasoning.
4. A revised National Planning Policy Framework ('the Framework') was published on 12 December 2024 after statements in relation to this appeal had been submitted and final comments made. However, as no changes were made to the conserving and enhancing the historic environment chapter of the Framework, and the changes that were made to other parts of the document are not material to this decision, the cases of the parties have not been prejudiced by not being able to comment on the revised Framework. I have therefore determined the appeal on the basis of the statements and comments that have been received.

Main Issue

5. The main issue in both appeals is whether the proposal would preserve the Grade II listed building, Old Fenner's, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

6. The Framework identifies at paragraph 202 that heritage assets are an irreplaceable resource. Paragraph 212 of the Framework advises that when considering the impact of a proposal on the significance of a designated heritage asset, such as a listed building, great weight should be given to the asset's conservation. Policy LPP 57 of the Braintree District Local Plan is consistent with the Framework in that it also seeks to conserve and enhance heritage assets.
7. Old Fenner's (List Entry No: 1337881) is a detached thatched cottage within the open countryside set amongst a loose cluster of listed buildings at the former farmstead site of Snells Farm. It is a plastered, timber framed building with a narrow rectangular plan form and steeply pitched, gable ended roof. The building dates from the sixteenth century (C16) or earlier. The first floor of its two storeys occupies the roof space and is lit by dormers that peer out from beneath the low overhanging thatched roof.
8. The dwelling has an interesting history. Originally constructed as an open line hall with service rooms and a parlour at its ends, a stack was inserted soon after construction and a first floor was added in the late C16. It is stated that in the C17 and C18 extensions were added to both gable ends of the property. By the latter half of the C19, if not before, it had been extensively sub-divided to provide up to 7 tenements. By the last decade of the C19, an extension had been added to the eastern gable to create 'End Cottage', an additional dwelling. Based upon my reading of the plans in the Heritage Statement and those submitted with the applications, this extension replaced any earlier extension that may have existed on this end of the building. In the twentieth century the building was gradually converted back into one dwelling. Evidence of these changes are woven into the historic fabric of the building.
9. As far as is relevant to the proposed works, the special interest and significance of the listed building is therefore mainly due to its age, authenticity, means of construction and the evidence its historic fabric provides of how the use of the building has changed over the centuries. The evidence of change to the building aids an understanding of the locality's social and agrarian past and contributes to its significance as a heritage asset.

Appeal proposal and effects

10. There is no dispute between the parties that the proposed replacement doors and windows, together with taller chimney pots to accord with Building Regulations, and the installation of a utility space, bathroom and, subject to the design, structural support to first floor joists would be acceptable in planning and heritage terms. Based upon what I have read and seen, I agree with that assessment.

11. The contentious works relate to the creation of a wall opening to allow access between the kitchen and the end ground floor room which is described as the dining room. Originally the joint application proposed an opening approximately 1.5m wide between two vertical timbers that support the remains of a historic tie beam. This would have involved the removal of all infill timbers and associated material within this space from floor level to close to ceiling level. However, this part of the proposal was subsequently revised to only remove those timbers and infill material that filled in, what is described as, a former doorway and window opening. The application was determined on the basis of this revision, and this is the basis upon which I have determined the appeal.
12. The question which therefore arises is whether the proposed opening up of this section of the wall would harm or better reveal the significance and special interest of the building.
13. The kitchen wall which would in part be removed formed part of the historic external gable wall to the building. Drawings made by the Essex Historical Building Group of the building in the C16, reproduced on page 14 of the appellant's Heritage Statement, show two small window openings in this wall. The doorway that would be created by the proposed works would be in a different location and far larger than the C16 window opening. Based though upon the arrangement of timbers in the section of wall that would be removed it seems reasonable that a doorway and window may have subsequently once existed within this section of the wall.
14. Based on what I have read and seen, the building has three main, distinct, historical layers: as a C16 or earlier hall house open internally to its roof; the addition of a first floor in the late C16; and its subdivision into tenements, including the addition of 'End Cottage' to its eastern end in the C19. These layers are more significant in heritage terms than other work that took place in the intervening periods.
15. The integrity of the kitchen wall in question, and the evidence it contains of any infilled openings, therefore has material heritage value in that it illustrates the C16 extent of the building and how the building was altered in order to maximise the number of households it could accommodate.
16. The removal of historic fabric from this wall, to re-open a doorway and window that was closed to create an additional dwelling, would undermine the understanding of the early layout of this hall house. It would also undermine the understanding of the layout of the extended house in the late C19 which maximised the number of dwellings the building contained. In so doing, two of the three main, distinct historical layers would become less legible.
17. Moreover, given that the informed eye can distinguish the presence of the filled in doorway and window openings by the arrangement of timbers visible within the wall, it is unnecessary to re-expose these openings in order to understand in more detail the evolution of the building.
18. Furthermore, it is important to note that the proposed removal of fabric would appear to remove more than is necessary to reveal an infilled doorway and window opening. It would create an opening which, with the retention of a vertical central timber, would appear as two adjacent doorways. This is an arrangement which does not appear to have a historical basis.

19. Taking all these matters into account, I therefore conclude that the proposed development and works, and the loss of historic fabric involved, would impair the understanding and appreciation of the building's special interest and would fail to preserve the building.

Public benefits and balance

20. The harm that would be caused by the proposed development and works to the significance of the listed building would be less than substantial. Paragraph 213 of the Framework requires clear and convincing justification for any harm to the significance of a designated heritage asset. Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
21. In accordance with the statutory duty, I attach considerable importance and weight to the harm that would be caused to this listed building.
22. The dining area is currently located in the middle of the building within the spacious living room. The submitted plans for the house show the end room next to the kitchen becoming the dining room. At present, the internal route from the kitchen to this room is via an intervening hallway which includes some steps. Albeit exposed to the weather, access is also possible via the two adjacent external doors to these rooms.
23. The partial opening up of the wall would therefore clearly improve access between the two rooms and increase the likelihood that the end room would be in daily use for dining. Such activity, I accept would help safeguard this room from disrepair by avoiding disuse and the problems caused by infrequent heating. This is a public benefit to which I attach some weight.
24. It would also result in an internal layout that is desirable for contemporary living by allowing direct access to the dining room from the kitchen and the creation of a utility room. However, as there is direct access from the kitchen to a dining area in the neighbouring living room, and a utility room is not an essential requirement, the internal layout and facilities within the house are not so poor as to fall below that which would be considered acceptable for a dwelling. As such, the improved layout would not rectify a substandard dwelling to the public benefit of the housing stock in the District. Instead, the improvement in layout and facilities experienced by occupiers of the dwelling would be private benefits, and so do not attract weight in the planning balance.
25. Death Watch Beetle activity has been found within the wall between the kitchen and the proposed dining room. In a listed building, usually a conservative approach to such activity is appropriate. This could include the topical application of treatments and, only when necessary, the replacement of selective timbers. As a result, in the absence of substantive submitted evidence demonstrating that the removal of the timbers proposed is necessary, their removal to address this problem and safeguard the building is not a public benefit to which I attach material weight.
26. Taking all these matters into account, my overall conclusion is that the public benefits of the proposed development and works do not outweigh the considerable importance and weight that I attach to the harm I have found.
27. Accordingly, the proposals would not preserve the Grade II listed building, Old Fenners, or any features of special architectural or historic interest which it

possesses. This would be contrary to the requirements of sections 16(2) and 66(1) of the Act, policy LPP 57 of the Braintree District Local Plan and the Framework.

Conclusion

28. For the reasons given above, I conclude that both appeals should be dismissed.

Ian Radcliffe

Inspector