
Appeal Decision

Site visit made on 25 February 2025

by **A James BSc (Hons) MA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th March 2025

Appeal Ref: APP/H1515/W/24/3349743

The Woodbines, Fingrith Hall Road, Blackmore, Essex CM4 0RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A Stevens against Brentwood Borough Council.
 - The application reference is 24/00380/FUL.
 - The development proposed is construction of dwelling and new access to Fingrith Hall Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 12 December 2024 and amended on 7 February 2025. In this case, the most relevant parts of the Framework remain broadly the same. As a result, I have not sought comments on this matter and I am satisfied that no party has been prejudiced by my approach.
3. As the appeal site forms part of the setting of a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is whether the proposal would preserve the setting of a Grade II listed building, known as 'The Woodbines' (Ref: 1197168).

Reasons

5. 'The Woodbines' is a Grade II listed building, which dates back to the early 19th century. It is two storeys high and is constructed of red brick, which is laid in Flemish bond. The roof is set back behind a parapet and finished with handmade red, clay tiles. The building has two parallel ranges, with a double pile roof formation. The building has a modern, single storey rear projection. The front elevation is symmetrical in appearance and contains traditional, sash windows. The building sits within a long, but narrow plot.
6. Based on the evidence before me and my site visit, I find that the special interest of the listed building insofar as is relevant to this appeal derives from its historic and architectural interest as an illustration of domestic architecture from the early

19th century. The symmetrical form of the building's principal elevation, use of traditional materials, presence of sash windows and the open and verdant nature of its garden make important contributions in these regards.

7. The proposal seeks to construct a new dwelling within the garden of the listed building, which would be served by a new access. The proposed dwelling would be two storeys high and have a basement. It has been designed to appear as a contemporary take on an agricultural building and would be finished with black weatherboarding and would have a slate roof. A new native hedgerow and hazel hurdle fence are proposed to form a new boundary with The Woodbines.
8. While a reasonable sized garden would remain, the proposal would subdivide the garden, severing the link between the listed building and its original garden. Consequently, the proposal would diminish the building's immediate setting. The provision of a new dwelling within the garden would harmfully erode the spatial openness currently provided by the existing garden.
9. Although the proposal would not be as deep as the listed building, it would be a similar height and be of a greater width when viewed from the lane to the front. As a result, I do not find that the proposed dwelling would appear subservient in relation to the listed building. Given the size and siting of the proposed dwelling, it would partially obscure views of the side elevation of the listed building when viewed from the north. I appreciate this elevation is already partially obscured by the existing boundary hedge and that closer distance views would remain. However, the proposal would diminish the visibility of the side elevation of the dwelling and its distinctive double pile roof formation. While the northern elevation is not the principal elevation of the listed building, it still contributes to the special interest of the listed building; as a result, harm would arise.
10. While there are a variety of architectural designs and styles in the locality, the design of the proposed dwelling would starkly contrast with the Georgian architecture of the listed building, which exhibits symmetrical proportions. Although the proposal would utilise traditional materials, the use of black weatherboarding and slate and the irregular pattern of fenestration would fail to respect the materials and regular proportions of fenestration found on the principal elevation of the listed building. In addition, the proposed area of hardstanding would have an urbanising impact on the locality, eroding the existing green and verdant character.
11. Housing development is currently under construction on the opposite side of the road¹. The land to the rear of the appeal site is allocated in the Brentwood Local Plan 2016 – 2033, adopted March 2022 (the Local Plan) for around 30 dwellings (site R26). While an outline planning application² has been submitted for this allocated site, which shows two-storey residential development a similar distance away from the listed building as the appeal proposal, this scheme is pending determination. As a result, I give it limited weight in my decision. However, I do appreciate that as the land to the rear of the appeal site has been allocated in the Local Plan, the principle of residential development on this land has been accepted by the Council. While this allocated site is higher in level than the appeal site, any development would be set well back from the front building line of the listed building and would not impinge or subdivide its garden. Consequently, it is materially different than the appeal scheme.

¹ Application ref: 22/01411/FUL

² Application ref: 22/01110/FUL

12. The appellant argues that the appeal site forms part of allocated site R26. While the appellant has provided a map showing the site allocations, it is unclear from the thickness of the red line whether site R26 includes the relatively narrow strip of land that is The Woodbines and its garden. The Council in their evidence advise that the appeal site adjoins the allocated site, rather than lies within it. I also note that the policy accompanying R26 does not refer to the presence of a listed building. In addition, the appeal site does not form part of the red line for the current outline planning application. Consequently, I give this argument limited weight in my decision.
13. There is a modern residential development a short distance away from the appeal site on Red Rose Lane³. Based on the evidence before me, it appears that this other scheme sought to demolish existing buildings and is therefore materially different from the appeal scheme. Accordingly, I give it limited weight in my decision.
14. I appreciate that development within Orchard Piece comes close to the listed building. However, the development at Orchard Piece was approved prior to the first publication of the Framework and the current Local Plan, so was determined against a different policy context. As a result, I give it limited weight in my decision.
15. While the rural landscape in which the listed building is experienced is evolving, the other schemes do not impinge or subdivide the historic garden of the listed building. Consequently, they are materially different to the appeal scheme before me. Moreover, development in the locality does not justify further erosion of the setting of the listed building nor justify new residential development within its curtilage.
16. Overall, the proposal would harmfully erode the setting of the listed building and affect the authenticity of how the asset is experienced. Accordingly, the proposal would diminish the positive contribution that the garden makes to the special interest of the listed building.
17. For the reasons given above, I conclude that the proposal would fail to preserve the setting of the Grade II listed building. I find the harm to be less than substantial, but nevertheless of considerable importance and weight. In accordance with paragraph 215 of the Framework, that harm should be weighed against any public benefits of the proposal.
18. The proposal would align with the objectives of the Framework, which seek to significantly boost housing supply and promote the effective use of land. The proposal would provide one new family sized dwelling, which would be within walking distance of the services/facilities within the village. The proposal would make a small contribution to the supply of housing within the borough, which I afford limited positive weight.
19. There would be a small economic benefit from the proposal during the construction of the development. Furthermore, future residents would help to contribute towards the economic vitality and viability of the village. I give the economic and social benefits of the proposal limited weight in my decision as a public benefit.

³ Application ref: 19/01013/FUL

20. Overall, the proposed public benefits carry limited weight in favour of the development. As a result, the collective public benefits are insufficient to outweigh the great weight afforded to the preservation of heritage assets.
21. For the reasons given above, I conclude that the proposal would fail to preserve the setting of a Grade II listed building. The proposal would fail to accord with the requirements of the Act and the historic environment policies of the Framework. The proposal would also conflict with Policies BE14 and BE16 of the Local Plan. These policies among other things require that proposals sustain and wherever possible enhance the significance of heritage assets and their settings and are sympathetic to their context.

Other Matters

22. The appellant has drawn my attention to schemes where new dwellings have been constructed within the curtilage of, or close to a listed building, including at The Green in Blackmore and at Holly Lodge, Childerditch Street⁴. Full details of the circumstances of these other schemes are not before me. As a result, I give these other schemes limited weight in my decision.

Conclusion

23. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR

⁴ Application ref: 17/01896/FUL