



Appeal Decisions

Site visit made on 4 March 2025

by **J Bowyer BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal A Ref: APP/Z1510/W/24/3348822

3 Foundry Lane, Earls Colne, Essex CO6 2SB

- 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 Mrs H Lawrence against the decision of Braintree District Council.
- The application Ref is 24/00710/HH.
- The development proposed is 'erection of single storey side extension (following demolition of existing single storey side attached shed structure and section of boundary wall), together with internal alterations to form an opening between the dining room and extension (following removal of the existing window)'.

Appeal B Ref: APP/Z1510/Y/24/3348823

3 Foundry Lane, Earls Colne, Essex CO6 2SB

- 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 Mrs H Lawrence against the decision of Braintree District Council.
- The application Ref is 24/00711/LBC.
- The works proposed are 'erection of single storey side extension (following demolition of existing single storey side attached shed structure and section of boundary wall), together with internal alterations to form an opening between the dining room and extension (following removal of the existing window)'.

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Application for Costs

3. An application for costs was made by Mrs H Lawrence against Braintree District Council. This application is the subject of a separate Decision.

Preliminary Matters

4. The Council's decision notices give a different description of the proposal to that entered on the application form. However, neither party has provided written confirmation that revised descriptions were agreed. I have therefore used the wording given on the original application form.
5. The appellant indicates that building works which I saw at the site relate to an extension approved as part of a proposal for 'erection of single storey extension, alterations to utility room and replacement garage' which was subject to

applications in 2004¹ ('the 2004 Scheme'). For the avoidance of doubt, I have determined the current appeals on the basis of the proposal shown on the submitted plans.

6. The proposal relates to a Grade II listed building known as 'The Willows' which is within the Earls Colne Conservation Area ('the CA'). I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').

Main Issues

7. The main issues are (i) the effect of the proposal on the special interest of the listed building, 'The Willows' and any of the features of special architectural or historic interest that it possesses and (ii) the effect of the proposal on the Earls Colne CA.

Reasons

Listed Building

8. The appeal building is a two-storey house which the listing description dates to the early 19th Century. It has a double pile form with shallow pitched roofs running broadly parallel to Foundry Lane and a symmetrical three-bay front elevation, but the rear block of the building is wider than the front, resulting in a stepped elevation to the north side. For the most part, the building is finished in gault brick in Flemish bond with sash windows beneath stucco lintels, but it also includes a flint rubble section and a projecting red brick stack to the front part of the north side elevation.
9. Existing alterations to the building include a single-storey rear extension. The details before me also indicate a former lean-to shed structure to the north side of the building, but this was no longer evident at the time of my visit following the ongoing works pursuant to the 2004 Scheme. Despite these interventions however, the building's historic form and detailing remain generally legible.
10. Given the above, I find the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with its age and the architectural interest deriving from its distinctive form and elegant proportions, together with the quality of the relatively simple detailing which provide for an attractive but understated building.
11. The proposed extension would occupy much of the space to the north side of the dwelling. It would enclose part of the flint rubble wall and chimney stack to the forwardmost block of the building, but the extent would be similar to that which would result from the 2004 Scheme.
12. Under the 2004 Scheme however, the extension would overlap the rear block of the historic building for only a very small distance. A canopy would be provided along the rest of the depth, but this would be of modest width and would comprise a lightweight structure with a glazed roof.
13. In contrast, the extension now proposed would continue along nearly the full depth of the historic building, albeit with a covered area that would be open to the rear at the deepest point. It would also be taller than the 2004 Scheme canopy. Given its solid form and greater height and depth, it would obscure more of the building than the 2004 Scheme and would envelop the stepped footprint to a much greater

¹ Application refs 04/02500/FUL and 04/02557/LBC

degree. It would also follow the angled boundary of the site along its whole depth, adjoining the boundary wall which would be rebuilt. The additional depth now proposed means that the widening towards the rear would be more pronounced than in the 2004 Scheme, resulting in a more obviously asymmetric form at greater odds with the building lines and regular proportions of the host dwelling.

14. The roof of the extension would also adjoin the rear block of the host building at similar height to the cill of the first-floor window, resulting in an awkward juxtaposition. Furthermore, the three closely spaced rooflights to the rear part of the extension would result in a proliferation of glazing that would be discordant against the appearance of predominantly solid roofslopes of the host building. Although a fourth rooflight to the front part of the extension would be similar to a feature of the 2004 Scheme and would not in itself be unacceptable, the overall arrangement would appear cluttered and conspicuous and would distract from the architectural quality of the listed building.
15. I acknowledge that there would be significant screening of the extension by a garage close to the site boundary. Based on my observations though, there would still be some views of it from Foundry Lane. These views would be very localised, but would enable some public appreciation of the alignment of the extension's outer wall and the relationship of the roof with the first-floor window, and some perception of the rooflights would be likely. In any event, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of any public views.
16. The overall scale of the extension would be clearly subordinate to the building. In addition, the Council does not object to the alteration to the boundary wall when taken in isolation and I have no firm reason to take a different view. Nevertheless, I find given the above factors that the proposal would cause blurring of the legibility and appreciation of the historic form of the listed building and detriment to its architectural integrity and quality that would not occur under the 2004 Scheme.
17. Moreover, the proposal includes alterations to historic fabric that were not part of the 2004 Scheme. The extent of fabric affected would be small relative to the building as a whole, but the removal of a window and part of the surrounding wall would create an unusually wide opening and the loss of fabric would result in some erosion of the special architectural and historic interest that the building possesses.
18. Given the differences noted above, the effects of the current proposal and the 2004 Scheme are not directly comparable. I find that the current proposal would result in a much greater adverse impact on the listed building and I accordingly give limited weight to the 2004 Scheme as a fallback.
19. I note the appellant's comments highlighting alterations to the form and balance of the building through the 2004 Scheme and changes to its setting including as a result of development at Willow Tree Way and the addition of a garage and outbuilding within its grounds. Nevertheless and whether or not these changes have affected the significance of the listed building, they are not in my view a compelling justification to allow further harm.
20. Notwithstanding the previous interventions, including the 2004 Scheme, I find for the reasons above that the proposal would fail to preserve the special interest of the listed building and would cause it harm.

21. The National Planning Policy Framework ('the Framework') advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
22. Bearing in mind the degree of harm that I have identified and how it would affect significance, I consider the harm to the listed building would be limited and certainly 'less than substantial' in the terms of the Framework. Nevertheless, I give this harm considerable importance and weight.
23. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
24. The appellant refers to the replacement of the former lean-to with a higher quality structure as a benefit of the proposal. However, this could also be achieved through implementation of the 2004 Scheme with works currently in progress. The benefit is not therefore dependent on the appeals which limits the weight that I afford to it. Moreover, there is no firm evidence to demonstrate that the continued viable use of the appeal property as a dwelling is dependent on the proposal as the building has an ongoing residential use that would not cease in its absence. Accordingly, the provision of additional and improved living accommodation for occupiers of the dwelling would essentially be a private rather than a public benefit. The indicated provision of a swift nest box could benefit biodiversity but while I give this moderate weight, the magnitude of the resulting public benefit would be very limited.
25. I find in this context that the public benefits of the proposal would be insufficient to outweigh the harm to the listed building and the information before me does not therefore provide clear and convincing justification for the proposal.
26. Accordingly, I conclude that the proposal would fail to preserve the special interest of the listed building The Willows and it would fail to satisfy the requirements of the Act and the Framework. There would also be conflict with Policies SP 7, LPP 36, LPP 47, LPP 52 and LPP 57 of the Braintree District Local Plan 2013-2033 ('the LP') insofar as they include requirements broadly seeking sympathetic proposals that would preserve or enhance listed buildings and heritage assets.

Conservation Area

27. The Earls Colne CA encompasses much of the village but is broadly focussed around the High Street. Insofar as it relates to these appeals, I consider the significance of the CA to be primarily associated with the quality of the buildings, many of which are historic, and their mix of styles and ages which illustrates the evolution of the area. These include the historic building on the appeal site which contributes to the character and appearance and thus the significance of the CA.
28. While I have found that there would be harm to the listed building, the significance of a CA is dependent upon how it is experienced. The extension would be visible from Foundry Lane, but public views would be very limited to a short distance around the appeal site. Furthermore, the front section of the extension which would be broadly similar to the 2004 Scheme would be the primary focus in these views

while greater screening and its set back from the street would significantly temper the visual impact of the rear part.

29. Given these factors, the unsympathetic form and detailing of the extension would not be conspicuous and I conclude that there would be no tangible detriment to the character or appearance of the CA as a whole and the significance of the CA would thus be preserved. The proposal would accord with Policy LPP 53 of the LP insofar as it seeks the preservation and enhancement of the character and appearance of conservation areas.

Conclusion

30. Although the Earls Colne CA would not be adversely affected by the proposal, there would be unacceptable harm to the listed building and the Appeal A proposal would conflict with the development plan when it is read as a whole. Material considerations do not indicate that a decision contrary to the development plan should be reached and for the reasons given above, I conclude that the appeals should be dismissed.

J Bowyer

INSPECTOR