



Appeal Decisions

Site visit made on 1 April 2025

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2025

Appeal A Ref: APP/A1530/W/24/3358245

The Manse Crayes Green, Layer Breton, Colchester CO2 0PN

- 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 John Cowie against the decision of Colchester City Council.
 - The application Ref is 241549.
 - The development proposed is first floor rear extension.
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Appeal B Ref: APP/A1530/Y/24/3356973

The Manse Crayes Green, Layer Breton, Colchester CO2 0PN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr John Cowie against the decision of Colchester City Council.
 - The application Ref is 241550.
 - The work proposed is a first floor rear extension
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. As the appeals relate to a listed building, I have had special regard to section 16(2) and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

5. The main issue for both appeals is the effect of the development and works on the special architectural and historic interest of the listed building.

Reasons

Significance

6. The Manse is a grade II listed building dating from the early nineteenth century. It is two storeys with rendered brick work and a grey slate hipped roof. Its significance is largely derived from its architectural and historic interest as an early example of residential accommodation in the area.

7. It has had a modern porch, two storey rear extension and rear single storey extension. Nevertheless, the rear of the original simple dwelling is legible.

Impact

8. The proposal for a rear extension above the existing single storey rear offshoot would conceal much of the remainder of the original two storey part of the rear elevation. Cumulatively with the previous extensions it would significantly erode and upset the balance and rhythm of the building's simple form and structure, harming its significance.
9. While the extension has been set down and in at the side, it nevertheless sits awkwardly on the catslide roof of the single storey offshoot, obscuring the historic fabric, including the route of the chimney even though it would physically remain. Furthermore, while the eaves level would match that of the two storey rear offshoot it would sit beneath that of the main rear elevation reinforcing the awkwardness of the addition. The use of render while making it clear the extension is a later addition would further harmfully highlight the obtrusive nature of the extension.
10. Listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether public views of the proposal would be available. Therefore, irrespective of where it is visible from and, even though it is on the rear elevation, harm would be caused to the significance of the building by harmfully eroding the legibility and features of the original building and forming an obtrusive addition which would have competing volume and roof forms overcomplicating what was a simple rear elevation. The proportions of the window in the rear elevation of the proposed extension would not sit well with those existing. However, this could be addressed through the imposition of a condition if the proposal was otherwise acceptable.
11. The proposal also involves the removal of a window in the existing side elevation of the house and the enlargement of the opening to form a doorway into the shower room as well as the removal of rafters to the existing ground floor rear offshoot. However, these works would be minimal and not harm the significance of the building overall.

Balance

12. Paragraph 212 of 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 their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
13. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the fairly limited nature and extent of the proposed development and works I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
14. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing of optimum viable use of listed buildings. The proposal would

provide an additional shower room for the building however this would be a private benefit and there is no meaningful substantive evidence before me that confirms that this work is the only way of securing the optimum viable use or that the buildings preservation would be at risk if the appeal were to fail and the proposal was not implemented.

15. The appellant states that if this appeal is allowed, then it will allow, subject to future consent, the removal of the cramped shower-room to the front of the landing, thereby returning the landing to its original arrangement with the front window day-lighting the stairs and landing. However, this is not part of the current proposal and there is nothing before me to ensure that this would go ahead were the appeal to be allowed. Therefore, I can only give it very minor weight.
16. There would also be some limited economic benefits from the construction works but the public benefits as a whole would not be sufficient to outweigh the great weight I give to the harm caused to the significance of the building. Given the above and in the absence of any significant public benefit, I conclude that, on balance, the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 212 of the Framework and conflict with policies SP7, DM16 and DM15 of the Colchester Borough Local Plan 2017-2033 adopted 2022. Together, these require that development protects, conserves or enhances townscape, and the significance of heritage assets as well as all development responding positively to local character and context.

Other Matters

17. The appellant received advice under the Council's pre-application enquiry service. While he contends that he has complied with that advice, the letter makes it clear that any revised proposal would still need to be considered carefully in terms of any cumulative impacts to the listed building, when considered in conjunction with the impact of existing extensions to the building. Furthermore it states that the comments do not prejudice the formal consideration of the matter.

Conclusion

18. **Appeal A:** The proposal would not be in accordance with the development plan and material considerations, including the Framework, do not indicate that the proposal should be determined other than in accordance with the development plan. Therefore, for the reasons given above I conclude that, the appeal should be dismissed.
19. **Appeal B:** For the reasons given, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR