



Appeal Decision

Site visit made on 2 June 2025

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2025

Appeal Ref: APP/C1570/W/24/3357219

Flat 8, Elsenham Hall, Elsenham, Essex CM22 6DP

- 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 and Mrs Hunter against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/0997/HHF.
 - The development proposed is new door opening in external flank wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's officer report includes reference to an associated application for listed building consent Ref: LBC UTT/24/0998/LB. The submitted evidence makes no reference to an appeal against this decision. For the avoidance of doubt, my decision relates solely to this appeal made against the refusal of planning permission for the proposed development.
3. In its evidence the Council cites concerns over the associated subdivision and enclosure of the land adjacent to Flat 8 to create a private amenity area. However, these are not part of the proposal before me and I have therefore not considered them as part of my determination of this appeal.
4. As the appeal concerns development to a listed building, in line with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Main Issue

5. The main issue is whether the proposed development would preserve the Grade II listed building known as Elsenham Hall or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

6. Flat 8 (also referred to as the old ballroom) is a three-bedroom, ground floor flat which forms part of the Grade II listed building Elsenham Hall¹. The listed building

¹ National Heritage List for England – List Entry Number 1112336.

is an imposing, three-storey, 19th century mansion, which was converted into apartments in the 1970s. It is constructed of red brick with a slate roof.

7. From the information before me and my observations on site, I find that the special interest and significance of the listed building to be mainly derived from its architectural and historic interests, in exemplifying a large 19th century mansion which has evolved over time. Important elements which are relevant to the appeal, include its use of traditional methods of construction and materials; surviving historic fabric and legibility of its historic floor plan; and pleasing architectural form and design, including key features and detailing.

Proposed development and effects

8. Paragraph 212 of the National Planning Policy Framework, 2024 (the Framework) sets out, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to state that, significance can be harmed or lost through alteration or destruction of the heritage asset or from development within its setting and that this should have clear and convincing justification.
9. The conversion of the building into apartments in the 1970s included the allocation of surrounding land to form private external amenity areas. The submitted plans show that Flat 8 includes a small parcel of land outside the main bedroom with no means of direct access to it. The proposed development is the creation of a new doorway in the eastern flank wall of the listed building, to enable access to this land and permit its use as an external amenity area.
10. The new opening would be 2.3m in height and 0.95m in width. The door would incorporate slimline double-glazing with glazing bars, within a painted, hardwood frame.
11. The creation of the opening would involve the loss of historic fabric. However, this would be minimal relative to the building as a whole, and would be from what is a secondary, more utilitarian, elevation.
12. However, the exterior stepped chimney is a key architectural feature of this elevation. The 'tucked in' position of the proposed door opening², would result in an awkward and challenging relationship between the chimney and the new doorway, weakening the integrity of this elevation.
13. Furthermore, although the proposed opening and door would match the form, glazing pattern and lintel design of adjacent windows, I am not convinced that this is an appropriate conservation/design response to address this issue. To my mind, the insertion would appear as an uncomfortable mix between a door and a window, disrupting the modest composition of the elevation, with the potential to confuse any onlooker as to the evolution of the building.
14. Crucially, in terms of its design and implementation, the detail of the '4-course jack lintel'³ and the concrete sill/lintel⁴, could not be achieved because of the opening's position immediately next to the chimney⁵. These incongruous details would

² Appellants' Statement, 6(k), p 12.

³ As shown on drawing ref: 2024/357/06-Proposed Lintel Detail.

⁴ As shown on drawing ref: 2024/357/05-Proposed Below Threshold Sill.

⁵ As shown on drawing ref: 2024/357/03-Existing and Proposed Elevations.

exacerbate the discordance of the opening's position, form and design on this elevation.

15. I also have concerns as to the deficiencies in the detail of the proposal, particularly the insertion of a precast concrete lintel on mass concrete padstones which, given the listed status of the building, I am not satisfied that it would be appropriate or acceptable to leave to be dealt with by conditions.
16. That the proposal would not be visible from the front elevation is not a factor in its favour, as listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether or not public views of the building, or parts of it, can be gained.
17. I concur with the appellants that it is not unusual for mansion houses to have various entrances on different elevations. The potential exists for an acceptable scheme to be devised which would secure the creation of an opening in this elevation. However, for the reasons set out above, I find that the position, form and design of the development as proposed would not preserve the special interest of the listed building and would harm its significance as a designated heritage asset.

Public benefits and balance

18. In finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the nature and extent of the development proposed, I find the harm to the significance of the listed building would result in a low level of 'less than substantial' harm. Nevertheless, this is of considerable importance and weight.
19. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.
20. It is reasonable to conclude that the proposal would generate economic benefits in the creation of the opening and the manufacture and installation of the door; and social benefits in the improvements to the local housing stock in terms of access to external amenity space and an emergency escape route.
21. These outcomes would flow from the proposed development and are of a nature to be of benefit to the public at large⁶. The weight they carry in the balance is moderated by the limited extent of the proposed development but, nonetheless, weigh in favour of the appeal.
22. However, from the limited information presented, I am not persuaded that the only way of securing such public benefits is by means of the opening and door as proposed. Moreover, no substantive evidence is before me which demonstrates that the flat is not currently compliant in terms of fire safety and/or that the development is necessary to secure the ongoing residential use of this part of the listed building. In these respects, clear and convincing justification for the harm to the listed building's significance arising from the proposal has not been provided.
23. On balance, in giving considerable importance and weight to the harm to the significance of this designated heritage asset, I find that this would not be outweighed by the public benefits that the proposed development would generate.

⁶ Planning Practice Guidance: What is meant by the term public benefits? Paragraph: 020 Reference ID: 18a-020-20190723.

24. Drawing all of the above together, I conclude that the proposed development would not preserve the Grade II listed building known as Elsenham Hall or any features of special architectural or historic interest which it possesses. As such, it would harm the significance of this designated heritage asset, and this would not be outweighed by the public benefits generated by the proposal. Consequently, there would be conflict with the statutory presumption set out in section 66(1) of the Act. There would also be conflict with Policy ENV2 of the Uttlesford Local Plan (2005) which sets out that alterations which impair the special characteristics of a listed building will not be permitted. It would also not comply with the provisions within the Framework which seek to conserve and enhance the historic environment.

Other Matters

25. The new door opening would allow the existing elderly tenant of Flat 8 access onto, and views over, the dwelling's associated land, to which I have had due regard. However, the conservation and enhancement of the historic environment is a well-established and legitimate planning policy aim. It has not been demonstrated that the combined position, form and design of the proposed opening and door, is the only option to address this matter. Therefore, other less harmful options in these regards could be available. Moreover, I am mindful that the harmful effects identified above would remain should the existing tenant move out of the flat. As such, a refusal of planning permission for the proposed development would be a proportionate and necessary approach.
26. My attention has been drawn to guidance in the Essex Design Guide in relation to criteria for private external amenity spaces for new dwellings. However, this proposal does not relate to a new dwelling. The guidance is therefore not applicable.
27. I recognise that a fundamental aim of the planning system is to improve the way that places and buildings function. Nonetheless, an additional core objective is the conservation and enhancement of the historic environment.
28. Other chapters/paragraphs of the Framework in addition to those relating to the historic environment, are cited by the appellants as being of relevance. The 'public benefits' associated with the proposal in terms of making effective use of land and achieving well designed places are acknowledged in the balance above. However, I have found that they would not outweigh the harm to the asset's significance.
29. It is common ground that the proposal would have no harmful effects on the living conditions of neighbours. However, a lack of harm in this respect weighs neither for nor against the appeal.
30. I note the representations by neighbours in support of the proposal. Also, that no objections were received from Elsenham Parish Council and that Historic England did not offer any advice on the proposal. Nonetheless, these are neutral considerations in the balance.
31. The appellants highlight the 'positive response' from the Council in its pre-application report. However, informal advice provided before an application is made is given without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all relevant factors.

32. When comparing the submitted plans against the building on site, it was evident that there are inaccuracies in the elevations as drawn, including the shape/form of the exterior chimney and the crenelations. It is important that drawings are accurate so there is no doubt about what is being proposed, particularly so given that this is a listed building. Nonetheless, given my decision to dismiss the appeal, I have not pursued this matter with the parties.
33. None of the other matters raised alter my conclusion on the main issue.

Conclusion

34. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, for the reasons given above the appeal should be dismissed.

F Cullen

INSPECTOR