
Appeal Decision

Site visit made on 5 August 2025

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

an Inspector appointed by the Secretary of State

Decision date: 8 September 2025

Appeal Ref: APP/C1570/Y/24/3356040

Winstanley House, 4 Market Hill, Saffron Walden, Essex CB10 1HQ

- 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 Simon Page against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/0242/LB.
 - The works proposed are described as 'repairs to floor structures, recovering of tiled roof surfaces and replacement of front door'.
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Decision

1. The appeal is dismissed insofar as it relates to repairs to floor structures.
2. The appeal is allowed insofar as it relates to recovering of tiled roof surfaces and replacement of front door and listed building consent is granted for 'recovering of tiled roof surfaces and replacement of front door' at Winstanley House, 4 Market Hill, Saffron Walden, Essex CB10 1HQ in accordance with the terms of the application, Ref UTT/24/0242/LB, and the plans and information submitted with it, so far as relevant to that part of the works hereby authorised, and subject to the conditions in the attached schedule.

Preliminary Matters

3. The description of the works in the banner heading above is taken from the appeal form. It is consistent with the Council's decision notice, and more concisely sets out the works than the description entered on the application form.
4. Comments on the application made by Historic England and the Council's Conservation Advisor include reference to works to render. However, such works were not detailed within the plans or documents submitted with the application. The Council has advised that it did not consider works to render as part of the application and the appellant has also confirmed that this is not part of the appeal proposal. I have determined the appeal accordingly and have not considered works to render as part of the proposal that is before me.

Main Issue

5. The main issue is whether or not the proposed works would preserve the special architectural and historic interest of the Grade II* listed building, 4 Market Hill.

Reasons

6. The appeal building sits on the corner of Market Hill and The Cockpit. It has an 'L-shaped' plan, and includes a timber frame, jettied frontages and a plain tiled roof. The list entry indicates that the building dates to the 15th century and that it was

refronted in around 1800 with shop windows to each street. It also notes the presence of heavily sooted roof rafters to the north bay, suggesting that the building could historically have been part of a medieval open hall house. This would also seem to support the appellant's contention that the basement beneath the building and the ground-floor structure over it is, at least in part, a later addition since I would expect an open fire venting up through the roof to require a solid floor. The Council has offered no compelling argument to the contrary and while the ground-floor structure may incorporate earlier timbers including a significant spine beam, the arrangement is somewhat ad hoc and the presence of redundant joints suggests that timbers have been reused. These factors together raise some doubt in my mind that the basement and floor above reflect the original medieval construction and I consider from the information before me that they may instead represent a later phase of alteration. Other past interventions have included alterations to the building's load paths and the removal of soleplates.

7. Given the above, I find the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with its historic fabric and appearance and the traditional methods of construction employed. Some additional interest is derived from the phases of alterations that have been made over time which show how the building has been adapted to meet changing requirements. Even if the basement and ground-floor structure over it are not original features, they illustrate part of the evolution of the building and irrespective of the quality of carpentry and provenance of timbers, I find that these elements contribute to the special interest of the building. Indeed, the appellant's 'Statement of Heritage Significance and Explanation of Repair Works to Heritage Asset' also attributes heritage value to the ground-floor sub-structure, albeit at a low to medium level.
8. The appeal proposes various alterations to the building. In considering whether to grant listed building consent, Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have considered the appeal accordingly.

Replacement Front Door

9. The door to be replaced is a 20th Century feature with no inherent historic or architectural interest. The Council has not raised objection to its replacement and noting that the new door is indicated to be of timber construction with six glazed panels to the upper part and two timber panels below, matching the style of the existing door, I am satisfied that these works would preserve the special interest of the listed building.

Recovering of Tiled Roof Surfaces

10. Recovering of the roof would include the removal of existing roof tiles and the roof would then be re-laid with new tiles over a membrane. In addition, existing cement flashings would be replaced using lead.
11. The roof includes a mix of plain clay tiles, both hand and machine made, and with some variety in size resulting in inconsistent bonding and some gaps. There are machine-made softwood battens supporting tiles, and I have little reason to doubt the appellant's evidence that the roof covering has been stripped and re-laid, likely within the last 60 years.

12. The Council's Conservation Advisor and Historic England do not object to the recovering of the roof or replacement of flashings with lead in principle, and given the existing condition of the roof and the information before me, I see no firm reason to take a different view. I am also satisfied that the specified replacement tiles and lead flashing would be appropriately sympathetic to the building.
13. Furthermore, the appellant has confirmed agreement to use of breathable sarking felt for the membrane, albeit with conventional UV-resistant sarking felt at the eaves level which will dress out into the gutters. Subject to further details of the specification and installation of the membrane which I consider could appropriately be sought by a condition, this would ensure adequate ventilation and breathability to the roof. Accordingly, I am satisfied that the suggested membrane would not lead to condensation or damp which could be detrimental to the roof structure.
14. Given the above and subject to conditions to require further details of the membrane and flashing, I find that the works to the roof would be acceptable and that the inherent special architectural and historic interest of the building would be preserved.

Repairs to Ground Floor

15. Repairs proposed to the ground-floor structure which sits over the basement include cutting a number of joists back from the walls leaving a gap of approximately 40mm. The joists would then be supported by steel beams set on new brick piers which would run along the basement's south wall and the east and west walls of the narrow northern arm, or, in the case of three joists along the northern wall, supplemented with steel. The main spine beam would also be cut back approximately 40mm at the west end of the basement, and would then be set on a new brick pier. Wedges to the top of all posts would be inspected and new packing provided to the spine beam where required.
16. The Council does not object to the retention of existing timber supports to the spine beam with new packing where required and I have no firm reason to find differently.
17. However, cutting the spine beam and joists back from the walls would alter the formation of the floor sub-structure and its current load paths, even if the load paths of the timber frame and building above would not be affected. There would also be some loss of existing fabric. The ground-floor structure has been subject to alterations but even accepting the appellant's position that it is not part of the building's original construction, it has some interest in illustrating the evolution of the building over time and the methods employed to do so. Against this context and whether or not the spine beam is part of the original timber frame, I consider that the cutting of the spine beam and joists and associated loss of fabric would cause harm to the special interest of the listed building.
18. The addition of steel supports and brick piers would further be a notable new presence within the basement which would detract from its historic form and arrangement.
19. The appellant's evidence highlights damp conditions within the basement and significant fungal and beetle decay which are seriously affecting the integrity of the ground-floor structure. They further advise that the basement's perimeter walls are effectively saturated with moisture. The Council has offered no compelling evidence

to the contrary and from the information before me, I am in no doubt that some form of intervention is necessary to secure the floor structure.

20. In considering what form of intervention may be appropriate, I note that the surrounding ground levels including the street levels of Market Hill and The Cockpit are raised above the basement. Together with the 19th century extensions, this would seem to limit realistic scope to significantly reduce moisture levels within the walls and I have not been provided with any compelling evidence to dispute the appellant's explanations of why providing ventilation, raising temperatures or dehumidifiers would be unlikely to be effective here. Having regard to these factors and in the absence of firm evidence to the contrary, it is not clear to me that there would be a realistic prospect of controlling damp or meaningfully reducing moisture levels within the basement walls that the floor structure currently sits in.
21. Against that context, any repaired timbers re-inserted back into the walls could be expected to decay, and continue the progress of fungal or beetle decay into the structure. The appellant has explained why use of timber preservatives, resin repairs, wrapping ends of timbers or encasing in vinyl would be inappropriate, and I have not been provided with clear evidence to the contrary. Although Historic England suggest that it should be possible to address the decay in a less aggressive manner than is proposed, neither they nor the Council have identified any other realistic option which has not been considered by the appellant and found to be inappropriate.
22. Even if I were to accept that the spine beam and joists provide evidence of the building's medieval construction as the Council's Conservation Advisor suggests, the fact remains that the evidence shows a need for intervention to secure the structural integrity of the building and its future. On the basis of the evidence before me, I find that there may be sufficient justification to cut back timbers from the walls as a solution to halt the progress of damp in the absence of reasonable, realistic alternatives. Furthermore and irrespective of the significance of the individual timbers that would be affected, I have no substantive evidence indicating that the proposal includes loss of fabric beyond that which would be reasonably necessary having regard to the condition of timbers, with the fabric to be lost affected by significant decay such that its retention would be unviable.
23. Nevertheless, the steel supports which are proposed would be strikingly at odds with the historic materials of the building, its timber frame and the timber which has previously been used in adding support to the structure. Although potentially reversible in theory, reversion would be unlikely in practice given the requirement to support the building and while the steel would only be visible from within the basement, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of any public views.
24. In my judgement, the contrasting material together with its extent including along the full depth of the wall along the Cockpit means that the steel would be an intrusive and detracting element within the basement, and I agree with Historic England that timber would seem to be more generally appropriate to the context. The appellant points to examples of fungal decay in other more recent timber repairs as shown at figures 2 and 5 of their appeal statement, but figure 5 illustrates details of the sole plate rather than clearly showing any fungal decay. Furthermore, the description of figure 2 clearly refers to the repair being in contact with damp walls. In contrast, the proposed supports are indicated to be set off the walls to a

similar distance that joists would be cut back. Despite humidity levels in the basement, the appellant indicates that this distance would be sufficient to ensure that the spine beam would not be exposed to continued decay. Consequently and in the absence of any further explanation or evidence to explain why appropriately treated timber would be impractical or otherwise inappropriate to support the structure, I am not satisfied that harm to the listed building has been minimised as far as possible. Nor is it clear from the details provided that use of steel supports would enable greater retention of historic fabric overall so as to justify its use in preference to timber which would be a more sympathetic material.

25. In addition, the Council's Conservation Advisor refers to experience elsewhere of condensation or puddling necessitating removal of steel and replacement with timber support. The appellant suggests that the use of steel would not cause condensation or puddling at junctions with the timber joists, but this is not explained or supported by any firm evidence and seems little more than unsubstantiated assertion. Given their evidence which highlights high humidity in the basement and temperature fluctuations, conditions likely to encourage condensation, I am particularly concerned that there is insufficient information available to determine that the suggested materials in this case would not be likely to cause further decay and long-term deterioration to the timber joists leading to additional detriment to the listed building.
26. Drawing these matters together, the repairs to the ground-floor would result in harm to the significance of the listed building through the cutting of timbers, associated loss of fabric and the addition of new brick piers and steel supports within the basement. Having regard to the nature and extent of the interventions as well as the elements of the building that would be affected and their contribution to the special interest of the building, I find that the harm would be relatively limited and certainly less than substantial in the terms of the National Planning Policy Framework ('the Framework'). Nevertheless, I give considerable importance and weight to the harm that would be caused to the building's special interest, noting too that it is a Grade II* listed building denoting that it is a particularly important building of more than special interest.
27. 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.
28. Insofar as repairing the floor could ensure the safety of the structure and users of the building and the continued contribution of the listed building to sustainable communities, there would be a potential public benefit.
29. I find from the information before me that the appellant has adequately considered realistic alternatives to cutting back timbers from the walls and providing new means of support, and in those respects, the proposal would be a generally proportionate response. However, I am not persuaded from the submitted evidence that the new means of support could not be provided in more sympathetic materials, nor that steel supports would not cause further decay and deterioration of timbers with additional detriment to the special interest of the listed building.
30. I appreciate the apparent requirement for intervention to address current issues of damp and fungal and beetle decay affecting the ground-floor. Taking these matters

in combination however, I am not satisfied that the safety and stability of the ground-floor structure could not be achieved by less imposing means, nor that harm to the listed building has been appropriately minimised to ensure its conservation in a manner appropriate to its significance.

31. Accordingly, I find that the harm to the listed building resulting from the repairs to the ground-floor would not be outweighed and there is not a clear and convincing justification for these works.

Conclusion on Main Issue

32. Given my findings above in respect of the repairs to the ground floor, I conclude that the proposal as a whole would fail to preserve the Grade II* listed building, 4 Market Hall, and the features of special architectural or historic interest which it possesses, failing to satisfy the requirements of the Act and the Framework. Although not determinative, there would also be conflict with Policy ENV2 of the Uttlesford Local Plan 2005 insofar as it is relevant and indicates that alterations that impact the special characteristics of a listed building will not be permitted.
33. However, the replacement front door and recovering of tiled roof surfaces would preserve the Grade II* listed building, 4 Market Hall, and the features of special architectural or historic interest which it possesses. In doing so, these elements of the proposal would satisfy the requirements of the Act and the Framework. They would also accord with Policy ENV2 of the Local Plan insofar as it is relevant.

Other Matters

34. The appeal site is located within the Saffron Waldon Conservation Area ('the CA'). Section 72(1) of the Act requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
35. The CA is focused around the Medieval core of the town. It includes a significant number of historic buildings which vary in age reflecting periods of growth, and the mix of uses and building forms provide for attractive and varied streets. Insofar as it relates to this appeal, the quality of the historic buildings, including on the appeal site, make a considerable contribution to the character and the appearance of the CA.
36. I have found above that the recovering of the roof and replacement front door would preserve the host listed building and these works would similarly preserve the contribution that the building makes to the CA. The repairs to the ground-floor structure would cause some harm to the listed building, but noting that these internal works would not be apparent from outside of the building, they would not detract from the character or the appearance of the CA as a whole.
37. Accordingly, I am satisfied that the character and the appearance of the CA would be preserved. Nevertheless, this lack of harm weighs neutrally and does not amount to a consideration in support of the appeal.

Conclusion and Conditions

38. The indicated repairs to the ground-floor would harm the special interest of the listed building, but the replacement front door and recovering of tiled roof surfaces would be acceptable. These elements could be carried out independently of repairs to the ground-floor. Given that the works are clearly severable, I consider in this

case that it would be appropriate to issue a split decision permitting the replacement front door and recovering of tiled roof surfaces but not the repairs to the ground-floor.

39. In respect of the works to be permitted, I have considered suggested conditions and made amendments for clarity, brevity or consistency.
40. I have imposed the standard time limit condition in the interest of certainty, but the formal decision sets out that consent is given for the works and plans as approved and a separate condition listing the approved plans is not therefore necessary.
41. Conditions to require further details of the replacement door and a method statement for the recovering of the roof are necessary to preserve the special interest of the listed building, although these details would only be necessary before the respective works took place and I have amended the suggested conditions accordingly. In light of my findings above, I have specified that the roof method statement should include details of the membrane and replacement flashing. To ensure that the conditions are effective, I have also included requirements for implementation in accordance with the approved details.
42. Given the nature of the works that I am permitting, a condition relating to internal works is not necessary and I have not imposed it.
43. For the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the replacement front door and recovering of tiled roof surfaces. However, the appeal should be dismissed insofar as it relates to the proposed repair to the ground-floor of the building.

J Bowyer

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this decision.
- 2) Prior to any works relating to the replacement of the front door authorised by this consent, further details of the replacement door including plans and cross sections at a scale of 1:20 or 1:50 showing the details of the door, cill, and finishing materials shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 3) Prior to any works relating to the recovering of tiled roof surfaces authorised by this consent, a method statement for the recovering of tiled roof surfaces including further details of the membrane to be installed and details including section drawings of the replacement flashing shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

End of Schedule