
Appeal Decision

Site visit made on 17 February 2026

by **T C King BA(Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2026

Appeal Ref: APP/Z1510/Y/25/3373853

43 East Street, Coggeshall, Colchester CO6 1SJ

- 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 Stefan Wilkins against the decision of Braintree District Council.
 - The application Ref is 25/01649/LBC.
 - The works proposed are Retention of drainage pipe from roof into existing hopper on front elevation of neighbouring property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The works have been carried out and the downpipe is in place. Although it has no direct bearing on the planning position I note that approval under Building Regulations was refused in 2024 for the same works. These works were subsequently refused listed building consent and are now the subject of this appeal.
3. As the appeal relates to a listed building and is also situated in a conservation area I have had special regard to sections (s) 16(2), 66(1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA).

The appeal property and the proposal

4. No 43 East Street is a small dwelling which, along with nos 45 and 47, forms a terrace of timber-framed and rendered buildings. They are all Grade II listed.
5. Listed building consent (LBC) is sought, retrospectively, for the installation of a water discharge pipe to the front elevation, connecting into the existing hopper on the front elevation of 41 East Street.

Main Issue

6. The main issues are:
 - 1) whether the proposed works would preserve the special architectural and historic interest of the Grade II listed building; and
 - 2) whether the proposal would preserve or enhance the character or appearance of the Coggeshall Conservation Area (CGA), within which the appeal site falls.

Reasons

Special Interest and Significance

7. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
8. Paragraph 212 of the National Planning Policy Framework (the Framework) states that, when considering the significance of a designated heritage asset, great weight should be given to that asset's conservation. Significance can be harmed or lost through alterations made to the heritage asset, and in instances where harm is identified the degree of such is a matter for the decision maker's assessment. Further, this must be given considerable weight and requires convincing justification.
9. As regards the significance of nos 43, 45 and 47 East Street, it is understood that these three dwellings were previous as one, with a single roof-span, but they were re-fronted in the late 19th or early 20th century to reflect a traditional local vernacular and became three separate dwellings. A parapet was then created which served to obscure the eaves and guttering.
10. In this regard the Council, in its case report, says that there are few examples of exposed guttering within the Coggeshall Conservation Area, as down-pipes are typically positioned at the junction between attached dwellings. From my site visit observations it appears that this is largely the case..
11. The CGA covers an expansive area primarily within the historic core of Coggeshall and its special interest largely stems from the concentration of vernacular buildings, their architectural coherence, and the historic street layout of the settlement.

Effects of the works

12. Although the existing hopper and downpipe are located on the front elevation of No.41 East Street the appellant says it has always been a shared outlet taking roof run-off from both properties.
13. The appellant's justification for carrying out the works is that during rain-storms in 2024, due to excessive water run-off from the roof, the previous pipework couldn't cope and there were instances when the appeal dwelling suffered from water pouring down internal walls which necessitated internal re-decoration of the rooms affected. Photographs have been supplied to this effect.
14. In the circumstances, a roofing contractor recommended increasing the size of the drainage outlet from the parapet into the downpipe and hopper. A direct replacement was considered but it was decided that enlarging the then existing pipe would have resulted in a significant amount of render being damaged as well as cutting into a section of the building's timber-frame. It was decided to go with this recommendation and the current arrangement was installed with a replacement lead pipe protruding from the no 43's frontage and connecting to the hopper affixed to no 41.
15. The Council counters this by indicating the relationship between nos 41 and 43 as to rainwater discharge is a common arrangement in the immediate locality. It is said that the volume of water discharging into the hopper is no more onerous than

before, given that it relates to the same area of roof. As there has always been a connection from no.43 into the hopper, it is appropriate to direct the new pipe into the hopper. This is not considered an act of trespass since the downpipe has always received rainwater run-off from both properties.

16. The Council goes on to say that the new arrangement has harmed the significance of the Grade II listed building by undermining and detracting from the otherwise simple render and vertical alignment of the former downpipe which followed the line of the property boundary. I share these concerns.
17. The Council's objection to the works would indicate that the new pipe has harmed the significance of the heritage asset and that, for the purposes of the Framework, the harm is considered to be 'less than substantial' to the significance of the listed building. In terms of the effect on the character or appearance of the CGA, as a whole, the Council says that its impact would be negligible or, in other words, too small to be of any particular importance. Accordingly, the harm would be to the building itself, and I agree with this assertion.

Public benefits and balance

18. Giving great weight to the asset's conservation is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. Echoing that approach, paragraph 213 of the Framework advises that any harm, or loss of the significance of a designated heritage asset, due to its alteration, should require clear and convincing justification.
19. The advice within the Framework, set out in paragraph 215, is that, firstly, it needs to be identified whether there would be harm; which there is in this case. The second stage is, if the harm is 'less than substantial', whether any identified public benefits weigh against this harm. In other words, the primary objective and starting point is to preserve the building's special interest, and a robust argument is required for any departure from that principle.
20. In this particular instance the benefits arising from the works carried out represent, instead, a private matter, albeit understandable given the problems experienced. However, this does not lessen the importance of conserving the significance of the building itself. Listed buildings are an irreplaceable asset.
21. In an attempt to remedy the considered harm, and in order to utilise the parapet and its appearance for its intended function, the Council has proffered an alternative solution to the problem, with the pipework reinstated behind the render, but with an enlarged diameter to accommodate increased rainfall. If this were taken up then the Council says that a new LBC application should be accompanied by a Methodology Statement in order to properly illustrate the remedial works. From the appellant's representations it does not appear, that the appellant has properly considered this alternative approach.
22. It appears that the new pipe has now been painted but I am not of the view that this mitigates the installation. The works carried out, in their totality, do not preserve the special interest of this designated heritage asset, nor the setting of the neighbouring listed buildings, and there are no public benefits which would outweigh that harm. Further, I am of the opinion that the listed building's conservation would be compromised to an unacceptable degree. Accordingly, the listed building would not be conserved in a manner appropriate to its significance.

Conclusion

23. There would be no significant impact on the CGA, but I have found that the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building, 43 East Street, Coggeshall.
24. As such, the proposal would be contrary to the requirements of sections 16(2) and 66(1) of the said Act and also paragraphs 207, 208, 212 and 215 of the Framework. Local planning policies, as put forward by the Council, are not directly relevant to LBC applications.
25. The appeal does not, therefore, succeed.

T C King

INSPECTOR